



Crl.O.P.No.4442 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.02.2023

CORAM :

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.No.4442 of 2023

1. Pulimuttaimanikandan @ Manikandan,
S/o. Rajan

2. Appas,
S/o. Kadhar

.. Petitioners

Vs.

State represented by
The Inspector of Police,
G2 Periyamet Police Station,
Chennai.
(Crime No.301 of 2022)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in Crime No.301 of 2022 on the file of respondent police.

For Petitioners : Mr.D.Mario Johnson

For Respondent : Mr.S.Vinoth Kumar
Govt. Advocate (Crl. Side)



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 04.12.2022 for the alleged offence under Sections 147, 148, 341 and 302 of I.P.C. in Crime No.301 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that due to previous enmity over business rivalry, the petitioners along with other accused brutally attacked the victim using knife in public view at Allikulam shopping complex, thereby victim sustained serious injuries all over his body, due to which, victim died on the spot. Hence, the complaint was registered against the petitioners.

3. The learned counsel for the petitioners submitted that A1 and A2 have started newly a used mobile platform shop in Allikulam Moore market and earlier, there was a wordy quarrel between the petitioners and defacto complainant. He would submit that they were arrested only for the reason that there was a previous enmity between them and they have



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not at all committed any offence as alleged by the respondent police and they are no way connected with the offence. He would submit that they have been falsely implicated in this case for statistical purpose. He would further submit that the investigation is almost completed and that the petitioners have been suffering incarceration for more than 125 days from 04.12.2022. Hence, he prayed to grant bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that totally, there are 5 accused involved in this case and the petitioners are arrayed as A1 and A2. He would submit that both the deceased and the petitioners are running a business at Allikulam Court complex and due to business rivalry, on the date of occurrence, both were attacked each other, thereby victim, who is aged about 39 years sustained serious injuries and died on the spot. He would submit that other accused are friends of A1 and all have joined together and attacked him. He would submit that now a charge sheet in P.R.C.No.2 of 2023 was filed and no previous case pending against them. He would also submit that if they are released on bail, they will tamper the witnesses and hamper the investigation. Hence, he vehemently opposed to grant bail to the petitioners.



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5. Considering the above facts and circumstances and also the fact that the investigation is almost completed, and the fact that due to business motive, both have attacked each other, thereby victim sustained serious injuries and the alleged occurrence happened and no previous case pending against them and a charge sheet was also filed in P.R.C.No.2 of 2023 and on considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail on executing separate bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each, **in which one surety must be a blood surety**, for a like sum to the satisfaction of the *learned Metropolitan Magistrate Court No.II, Egmore, Chennai*, and on further conditions that::

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the



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Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall stay at Pollachi District and report before the Town Police Station, Pollachi daily at 10.30 a.m. for the period of two months.

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in *P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]*; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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To

- 1.The II Metropolitan Magistrate,
Egmore, Chennai.
- 2.The Inspector of Police,
G2 Periyamet Police Station,
Chennai.
- 3.The Superintendent of Prison,
Central Prison-II, Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI , J.

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