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Crl.O.P.No.6582 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2023

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

Crl.O.P.No.6582 of 2023

Manikandan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Nagarasampatti Police Station,
Krishnagiri District.
(Crime No.37 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner/accused on bail, in connection with the
Crime No.37 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.A.Karthick

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



CrI.O.P.No.6582 of 2023

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 09.02.2023, for the offences punishable under Sections 147, 148, 294(b), 323, 324, 307, 302 of IPC, in Crime No.37 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 08.02.2023, due to the previous enmity, the accused have abused the de-facto complainant and his family members in a filthy language and assaulted them with knife and iron rod, due to which, they sustained grievous injuries and admitted in the hospital. Thereby, based on the complaint given by the de-facto complainant, a case in crime No.37 of 2023, came to be registered for the offences punishable under Sections 147, 148, 294(b), 323, 324, 307 of IPC. Later, one of the injured persons, named Prabhu had died in the hospital on 14.02.2023, without responding to the treatment, therefore the case has been altered to one under Sections 147, 148, 294(b), 323, 324, 307 & 302 of IPC. Hence the case.

3. Learned Counsel for the petitioner submitted that the



Crl.O.P.No.6582 of 2023

petitioner/A5 is an innocent person and he has been falsely implicated in this case. He further submitted that only the family members of the de-facto complainant have attacked the first accused, due to which, a counter case has been filed against the de-facto complainant and others in Crime No.38 of 2023. He also stated that the incident is said to have taken place on 08.02.2023, whereas, the complaint was given on 09.02.2023. He further submitted that co-accused in this case has been granted bail by this Court in Crl.O.P.No.6148 of 2023 dated 17.03.2023 & Crl.O.P.No.6419 of 2023, dated 21.03.2023 and also submitted that the petitioner is in custody from 09.02.2023 and he is prepared to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner, who arrayed as A5, along with other accused, due to the previous enmity, abused the de-facto complainant and his family members in a filthy language and assaulted them with knife and iron rod, due to which, they sustained grievous injuries and one of the injured persons, named Prabhu has died in the hospital after six days. He further submitted that it is a case and a case in counter filed in



CrI.O.P.No.6582 of 2023

Cr.No. 38 of 2023 and also submitted that the investigation is also completed and there is no previous case pending against the petitioner. Hence, he opposed for grant of bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (CrI.Side) for the respondent and perused the entire materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by either side and also a fact that the investigation is completed and the co-accused persons/A3 & A4 also granted bail and considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with **two sureties** (one surety must be a blood related surety), for a like sum to the satisfaction of the **learned Judicial Magistrate, Pochampalli, Krishnagiri**, and on further conditions that:



CrI.O.P.No.6582 of 2023

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent Police daily at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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]*;

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

28.03.2023

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To



CrI.O.P.No.6582 of 2023

WEB COPY

1. The Judicial Magistrate Court,
Pochampalli, Krishnagiri.
2. The Inspector of Police,
Nagarasampatti Police Station,
Krishnagiri District.
3. The District Prison,
Dharmapuri.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.6582 of 2023

T.V.THAMILSELVI, J.

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Crl.O.P.No.6582 of 2023

28.03.2023