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Crl.O.P.No.8072 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2023

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THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.8072 of 2023

Manikandan @ Mani

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
R.K.Pet Police Station.

(Crime No.108 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.108 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.R.Balamurugan

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



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that the petitioner is in custody from 21.02.2023 and he is ready to abide by any stringent conditions that may be available as against the petitioner. 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 is arrayed as A3 in this case is the friend of A2. He further submitted that A2 had an illicit intimacy with A1, wife of the deceased, due to which, A1 & A2, along with petitioner and another accused, had committed murder of the husband of A1/deceased, by smothering and strangulating him. He also submitted that investigation in this case is pending, thereby, he vehemently opposed for grant of bail to the petitioner.

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



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6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain condition.

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**, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Tiruttani, Thiruvallur**, and on further conditions that:

[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 stay at Tindivanam and report before the Tindivanam Police Station, everyday 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



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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.

13.04.2023

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To

1. The Judicial Magistrate,
Tiruttani, Thiruvallur.
2. The Inspector of Police,
R.K.Pet Police Station.
3. The Puzhal Jail.
4. The Inspector of Police,
Tindivanam Police Station,
Tindivanam.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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