



WEB COPY



Crl.O.P.No.9857 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.05.2023

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.9857 of 2023

Mr.Manohar @ Mohan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Kelamangalam Police Station,
Krishnagiri District.

(Crime No.63 of 2023).

... Respondent

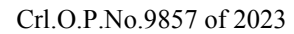
PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to release the petitioner/accused on bail pending investigation in
Crime No.63 of 2023 on the file of the respondent.

For Petitioner : Mr.M.P.Saravanan

For Respondent : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 10.03.2023, for the offence punishable under Sections 294(b), 307 of IPC



2. The case of the prosecution as per the defacto complainant/Nagesh is that the deceased and the petitioner were close friends and on the date of occurrence, both of them have consumed alcohol and wordy quarrel arose between them, during the quarrel, the petitioner stabbed the deceased with knife, due to which, he sustained grievous injuries and he was taken to the Government Hospital. Based on the complaint by the defacto complainant, a case in Crime No.63 of 2023 was registered by the respondent Police for the offences punishable under Sections 294(b) and 307 of IPC. Later, the deceased died in the hospital without responding to the treatment, therefore the case has been altered to one under Section 302 of IPC. Hence the case.

<https://www.mhc.tn.gov.in/judis>



Crl.O.P.No.9857 of 2023

WEB COPY

4. Learned Additional Public Prosecutor appearing for the respondent police submitted that it is the case where, the petitioner, in an inebriated conditions, had picked up a quarrel with the deceased, during the quarrel, the petitioner has stabbed the deceased with knife, due to which, he sustained grievous injuries. He also submitted that the de-facto complainant had taken the deceased to a hospital and lodged a complaint against the petitioner, whereas, the victim died without responding to the treatment. Initially, the case was registered for the offences punishable under Sections 294(b) and 307 of IPC and later altered to one under Section 302 of IPC. He also submitted that investigation is still pending. Hence, he vehemently opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor 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 the learned counsel on either side and also



CrI.O.P.No.9857 of 2023

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**, each for a like sum to the satisfaction of the **learned District Munsif cum Judicial Magistrate, Denkanikottai** 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 report before the respondent Police, 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 appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the



Crl.O.P.No.9857 of 2023

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.

10.05.2023

vkr

To

1. The District Munsif cum Judicial Magistrate,
Denkanikottai.
2. The Inspector of Police,
Kelamangalam Police Station,
Krishnagiri District.
3. The Central Prison,
Salem.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.9857 of 2023

SUNDER MOHAN, J

vk

Crl.O.P.No.9857 of 2023

10.05.2023