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Crl.OP.No.14564 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :10.07.2023

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

Crl.OP.No.14564 of 2023

Manickam

..Petitioner

Vs.

State Rep by its,
The Inspector of Police,
Attaiyampatti Police Station,
Salem District.
Crime No.178 of 2023

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in connection with a case in
Crime No.178 of 2023 on the file of the respondent.

For Petitioner : Mr.M.Subash

For Respondent : Mr. Leonard Arul Joseph Selvam
Government Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 16.06.2023 for the offences punishable under Sections 294(b), 323, 427 and 436 of IPC in Crime No.178 of 2023 on the file of the respondent police seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner is an accused in Crime No.178 of 2023 registered for the offences under Sections 294(b), 323, 427 and 436 of IPC. Petitioner is an innocent person and false complaint has been given by the defacto complainant against the petitioner in connection with a dispute with regard to construction of bath room. Petitioner is in Judicial Custody from 16.06.2023. He further submitted that, co-accused in this case were granted anticipatory bail. Hence, he seeks for grant of bail to the petitioner.

3. In response, the learned Government Advocate (CrI. Side) opposes the petition on the ground that, there is a dispute between the petitioner and defacto complainant in connection with construction of



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bath room. Petitioner had damaged the bath room and also set fire to the dried coconut branch which was placed at the roof of the house of the defacto complainant.

4. Considering the fact that the petitioner is in Judicial Custody from 16.06.2023, co-accused were granted anticipatory bail by this Court and that, material part of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioner.

5. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/-** (Rupees Twenty Five thousand only) with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate No.IV, Salem** 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.



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[b] the petitioner without prejudice to his defence shall deposit a sum of Rs.25,000/-(Rupees Twenty Five Thousand only), to the credit of the Crime No.178 of 2023 before the learned Judicial Magistrate No.IV, Salem. On such deposit, learned Magistrate is directed to use the amount under Section 357 of Cr.P.C for rewarding victim compensation; Payment of this amount will not amount to admission of guilt of the petitioner.

[c] the petitioner shall report before the respondent police daily at 10.30.a.m., until further orders.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] 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



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Court himself as laid down by the Hon'ble Supreme Court
in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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

10.07.2023

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To

1. Judicial Magistrate No.IV, Salem
- 2.The Inspector of Police,
Attaiyampatti Police Station,
Salem District.
- 3.Central Prison,
Salem.
- 4.The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

Sma

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