



Crl.O.P.No.16216 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2023

CORAM

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

Crl.O.P.No.16216 of 2023

Manimaran

...Petitioner

Vs.

The State represented by
The Inspector of Police,
Sirkazhi Police Station,
Mayiladuthurai District.

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to enlarge the petitioner on bail in Crime No.336 of 2023 pending investigation before the respondent police.

For Petitioner : Mr.V.Panjalirajan

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 17.06.2023 for the offences punishable under Sections 174 Cr.P.C and 302 IPC in Crime No.336 of 2023 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner is implicated as an accused in Crime No.336 of 2023 for the offences under Sections 174 Cr.P.C and 302 IPC. He is not responsible for the death of the deceased. However, he is made as an accused in this case. Petitioner is in judicial custody from 17.06.2023. Thus, he prays for grant of bail.

3. In reply, the learned Additional Public Prosecutor opposes this petition, on the ground that, deceased Sasikumar picked up a fight with his father and came to stay in his friend's house namely the petitioner. While, he was staying in the petitioner's house, he misbehaved with the wife of the petitioner and his sister's daughter. Angered at that, it is the case of the prosecution that, petitioner had attacked the deceased



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on his private part, which led to his death. Therefore, he prays for dismissal of this bail petition.

4. Considering the circumstance that led to the commission of the death of the deceased and that petitioner is in judicial custody from 17.06.2023 and that the substantial part of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioner and 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-II, Sirkazhi** 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 daily at 10.30 a.m., until further orders.



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[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 absconds, a fresh FIR can be registered under Section 229A IPC.

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To



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1.The Judicial Magistrate-II, Sirkazhi.

2.The Cuddalore Prison.

3.The Inspector of Police,
Sirkazhi Police Station,
Mayiladuthurai District.

4.The Public Prosecutor,
High Court of Madras.

G.CHANDRASEKHARAN. J.



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