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Crl.OP.No.23938 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2023

CORAM

THE HON'BLE MR. JUSTICE **C.V.KARTHIKEYAN**

Crl.OP.No.23938 of 2023

Manikandan S/o. Elumalai

... Petitioner

Vs.

State by
The Inspector of Police,
K-11, CMBT Police Station,
Koyambedu, Chennai,
Pincode: 600 107.
(Crime No.398 of 2023)

...Respondent

Prayer: Criminal Original Petition filed under Section 439 of Cr.P.C.
praying to enlarge the Petitioner on bail concerned in Crime No.398 of
2023 pending on the file of the respondent police.

For Petitioner : Mr.N.Kannan

For Respondent : Mr.R.Kishore Kumar
Government Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 28.08.2023 for the offences punishable under Sections 294(b), 307 @ 302 of IPC, in Crime No.398 of 2023 on the file of the respondent police, seeks bail.

2. It is stated that the petitioner and the deceased are friends and they were doing Mosaic Tiles laying job for daily coolie. On the date of occurrence, both the petitioner and the deceased were in drunken state and there was quarrel regarding the hand loan. The petitioner appears to have stabbed the deceased on his thigh, as a result of which, the deceased died later in the hospital.

3. The learned counsel for the petitioner stated that the petitioner was an innocent of the said offence and he has been falsely roped in this case. He further stated that the petitioner is ready to abide by any stringent condition imposed by this Court.



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4. The learned Government Advocate (Crl. Side) for the respondent stated that due to wordy quarrel between the petitioner and the deceased regarding hand loan, the petitioner stabbed the deceased with Tile cutting machine, as a result of which, the deceased died. He further stated that there is no previous case pending against the petitioner.

5. Taking into consideration all the facts and taking note of the fact that it is a case out of sudden provocation and influence of alcohol and also there is no previous case pending against the petitioner, I am inclined to grant bail to the petitioner with certain conditions;

6. Accordingly, the petitioner is ordered to be released on bail on condition to execute 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 V Metropolitan Magistrate, Egmore, Chennai, and on further conditions that:

[a] the sureties shall affix their photographs and
Left Thumb Impression in the surety bond and the



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

18.10.2023

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To

- 1.The V Metropolitan Magistrate, Egmore, Chennai.
- 2.Central Prison, Puzhal.
- 3.The Inspector of Police,
K-11 CMBT Police Station,
Koyambedu, Chennai.
- 5.The Public Prosecutor,
High Court of Madras.

C.V.KARTHIKEYAN. J.

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