



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.02.2023

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRACRL.O.P(MD)No.3391 of 2023

WEB COPY

R.Manikandan

... Petitioner/Sole Accused

-VS-

The State represented by
The Inspector of Police,
Nachiyarkovil Police Station,
Thanjavur District.
(in Cr.No.38 of 2023)

... Respondent/Complainant

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- For Bail in Crime No.38 of 2023 on the file of the
Respondent Police.

For Petitioner
For Respondent

: Ms.J.PRISCILLA PANDIAN, Advocate
: Mr.T.SENTHIL KUMAR
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 16.01.2023 for the offences punishable under Sections 294(b), 506(ii) and 307 of IPC in Crime No.38 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution, as per the de-facto complainant, is that due to previous enmity, the petitioner has abused the de-facto complainant in filthy language and also tried to attack him with aruval on his head and also criminally intimidated him. Hence, the complaint.

3.The learned Counsel appearing for the petitioner would submit that the petitioner is an innocent and a false complaint has been given. He would further submit that even taking into consideration the averments made in the FIR, the ingredients of Section 307 of IPC is not attracted. He would also submit that this case has been foisted only because, the petitioner has got few previous cases against him. Hence, he would seek for bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the petitioner has abused the de-facto complainant and attempted to murder him with aruval and also criminally intimidated him. He would also submit that the petitioner is a habitual offender and



against whom, three previous cases are pending. Hence, object for grant of bail to the petitioner.

5. Heard. Perused the materials available on record.

6. Taking into consideration of the facts and submissions made by the learned Counsels and that the petitioner is in judicial custody from 16.01.2023, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) 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 learned Judicial Magistrate No.II, Kumbakonam, Thanjavur District, and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of one week and thereafter, as and when required on issuance of summons;

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial 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 petitioners 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];

(h) if the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

22/02/2023

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22/02/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



CMR

TO

1 THE JUDICIAL MAGISTRATE NO.II,
KUMBAKONAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE OFFICER INCHARGE,
THIRUVIDAIMARUDUOR SUB JAIL,
THANJAVUR DISTRICT.

4 THE INSPECTOR OF POLICE,
NACHIYARKOVIL POLICE STATION,
THANJAVUR DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.PRISCILLA PANDIAN J Advocate SR.No.2647

ORDER

IN

CRL OP(MD) No.3391 of 2023

Date :22/02/2023

SA/SBN/SAR. /22.02.2023/3P/7C