



CRL OP(MD). No.14809 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 14/08/2023

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.14809 of 2023

1.Rajesh @ Rajesh Kannan,

2.Manikandan

... Petitioners/ Accused Nos.1 and 2

Vs.

State through  
The Inspector of Police,  
Thogur Police Station,  
Thanjavur District.  
In Crime No.102 of 2023.

... Respondent/ Complainant

For Petitioners : Mr.S.Prabha,  
Advocate.

For Respondent : Mr.B.Nambiselvan,  
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.102 of 2023 on the file of the Respondent Police.



CRL OP(MD). No.14809 of 2023

**ORDER :** The Court made the following order :-

The petitioner/ Accused Nos.1 and 2, who were arrested on 10.07.2023 for the alleged offence under Sections 294(b), 323, 324, 307 IPC, in Crime No.102 of 2023 on the file of the respondent Police, seeks bail.

2. The prosecution case as per the defacto complainant is that there was issue between the defacto complainant and the accused persons herein over the land property. On 08.07.2023, when the defacto complainant proposed to plant trees in the disputed property, the accused persons made objection and criminally intimidated the defacto complainant, over which, the case has been registered and later compromise has been reached between the parties. On the same day at about 7.45 p.m., the accused persons along with co-accused came in auto and caused assault to the defacto complainant with Aruval. Injured was taken into hospital and later discharged. During the course of examination, it was found that there are three cut injuries in the defacto complainant's body.



**CRL OP(MD). No.14809 of 2023**

WEB COPY

3.The learned counsel for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution. He would further submit that the petitioners are in judicial custody from 10.07.2023.

4.The learned Additional Public Prosecutor appearing for the respondent Police submitted that the first petitioner is having three previous cases, which are in similar nature and the second petitioner is having six previous cases at his credit, among which most of the offences are 338, 323, 355, 448, 506(ii) IPC and 4 of TNPWH Act.

5. Considering the facts and circumstances of this case and also considering the bad antecedent of the second petitioner, this Court is not inclined to grant bail to the second petitioner at this stage. So far as the first petitioner is concerned, considering that the period of incarceration, this Court is inclined to grant bail to the first petitioner only with certain conditions;

6. Accordingly, this Criminal Original Petition is partly allowed and only the first petitioner is ordered to be released on bail, on executing a personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum



CRL OP(MD). No.14809 of 2023

to the satisfaction of the learned Judicial Magistrate, Thiruvaiyaru, and on further  
condition that the 1<sup>st</sup> petitioner shall report before the respondent Police daily at 10.30  
a.m. until further orders. In respect of the petitioner No.2, this Criminal Original  
Petition is dismissed.

sd/-  
14/08/2023

/ TRUE COPY /

14/08/2023  
Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

indu

TO

1.THE JUDICIAL MAGISTRATE,  
THIRUVAIYARU.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
THANJAVUR @ KUMBAKONAM.

3.THE OFFICER IN CHARGE,  
DISTRICT JAIL, THANJAVUR.

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



**CRL OP(MD). No.14809 of 2023**

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

ORDER  
IN  
CRL OP(MD) No.14809 of 2023  
Date :14/08/2023

RK (14/08/2023) 5P /6 C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023