



WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/08/2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

CRL OP(MD). No.15833 of 2023

Elanimani @ Manikandan

... Petitioner/ Accused No.1

Vs

The State represented by
The Inspector of Police,
Thanjavur West Police Station,
Thanjavur District.
Crime No.841 of 2022..

... Respondent/Complainant

For Petitioner : M/s.Karunakaran.K.M,
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.841 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A1 who was arrested and remanded to judicial custody on



23.06.2023 for the offences punishable under Sections 364,302,120(B),201r/w.149 of
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IPC in Crime No.841 of 2022 on the file of the respondent Police, seek bail.

2. The case of the prosecution is that the defacto complainant had two sons and the younger son died five year before and another son involved in a murder case in the year 2016. On 21.06.2022 the son of the defacto complainant had gone to his friend's house, but he did not return back. Hence the defacto complainant went to the above house and enquired about her son. After knowing that the petitioner and other accused kidnapped the son of the defacto complainant in a two wheeler, attacked him deadly weapons and caused his death, hence the case came to be registered.

3. The learned counsel appearing for the petitioner would contend that the petitioner has not committed any offence as alleged by the respondent police and a false case has been foisted against the petitioner. He would further submit that co-accused in this case was released on bail by this Court. The petitioner was arrested and remanded to judicial custody on 23.06.2022 and he is still in judicial custody, hence he may be granted bail.

4. The learned Additional Public Prosecutor would contend that it is a case of retaliation murder and Nonailable Warrant is pending against A6 and A7. The accused persons are absconding one after another and hence the trial Court is unable to proceed with trial. He would further submit investigation has been completed and



charge sheet has been taken on file in S.C.No.352 of 2022 by the learned II Additional District and Sessions Judge, Thanjavur. He would further submit that 14 previous cases are pending against the petitioner, hence he objected to grant bail to the petitioner.

5. Heard both side and perused the materials available on record.

6. Considering the rival submissions on either side and also considering the fact that the investigation was completed and charge sheet was filed and also the fact that co-accused was released on bail by this Court and also considering the period of incarceration and all other aspects, 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.I, Thanjavur and on further conditions that:

[b] the petitioner shall report before the trial Court on all working days 10.30 am., until further orders.

[c] the petitioner shall not commit any offences of similar nature.

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



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[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 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 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].

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

7. The learned Additional Public Prosecutor represented that the case is pending for a long time without any progress.

8. In view of the same, the trial Court is directed to complete the trial and dispose of the case as early as possible without giving any long adjournments.

sd/-

31/08/2023

/ TRUE COPY /

31/08/2023

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

AAV
TO

1 THE JUDICIAL MAGISTRATE NO.I
THANJAVUR DISTRICT.



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

3 THE II ADDITIONAL DISTRICT & SESSIONS JUDGE,
THANJAVUR.

4 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

5 THE INSPECTOR OF POLICE
THANJAVUR WEST POLICE STATION,
THANJAVUR DISTRICT.

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

COPY TO:

THE REGISTRAR (JUDICIAL),
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.JK.M.KARUNAKARAN, Advocate (SR-13042[I] dated 31/08/2023)

ORDER
IN

CRL OP(MD) No.15833 of 2023

Date :31/08/2023

SS/DD/31/08/2023/5P/9C

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