



Crl.O.P.(MD) No.20347 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

[Criminal Jurisdiction]

Date : 23.11.2023

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

Crl.O.P.(MD) No.20347 of 2023

R.Manikandan @ Bottle Mani

... Petitioner / Accused No.2

Vs

State rep. by
The Inspector of Police,
Bodinayakkanur Taluk Police Station,
Theni District.
(Crime No.337 of 2023)

... Respondent / Complainant

For Petitioner : Mr.R.L.Dhiliphan Pandian, Advocate
for Mr.D.Rajaboopathy, Advocate

For Respondent : Mr.R.Meenakshisundaram
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No. 337 of 2023 on the file of the respondent police.



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ORDER : The Court made the following order :-

The petitioner / A2, who was arrested and remanded to judicial custody on 09.10.2023 for the alleged offences under Sections 147, 148, 294(b), 323, 324, 307 & 506(ii) of the Indian Penal Code, 1860 [hereinafter referred to as IPC] in Crime No.337 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 19.09.2023, at the time of Vinayagar Procession, there was a quarrel between the de-facto complainant's side and the petitioner's side. Due to the said prior enmity, on 08.10.2023, at about 4.15 p.m., the petitioner along with other accused had used filthy language against the de-facto complainant. The petitioner herein and other accused attacked the de-facto complainant with stone and knife, caused injuries to him and threatened him with dire consequences. Hence, the case.

3. Earlier, the petitioner herein moved a petition in Crl.O.P.(MD) No.19292 of 2023 for bail. The same was dismissed on 26.10.2023 considering the stage of the investigation and the previous cases pending against the petitioner.

4. The learned counsel for the petitioner submitted that the petitioner is innocent and only on suspicion, the petitioner has been arrested and no such alleged occurrence took place. He further submitted that the petitioner is no way connected



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with the said offence and he has been falsely implicated in the case and the petitioner is incarcerated for the past 45 days. He further submitted that bail has been granted to co-accused persons by this Court vide order dated 26.10.2023 in Crl.O.P. (MD) No.19282 of 2023. Accordingly, he prayed to grant bail to the petitioner.

5. The learned Additional Public Prosecutor appearing for the respondent submitted that totally, 10 accused persons involved in the crime, out of which, 7 accused persons were arrested and 3 accused persons are still absconding. The overt act of the petitioner is that the petitioner attacked the de-facto complainant with stone and other accused attacked the de-facto complainant with knife. The injured person has been discharged from hospital. He further submitted that investigation is not yet completed and if bail is granted to the petitioner, he will cause threat to the witnesses and thereby cause delay to the investigation. Accordingly, he prayed to dismiss this Crl.O.P.

6. Heard on both sides. This Court has perused the records.

7. The petitioner has permanent residence and has roots in the society. Therefore, possibility of absconding is very less. The petitioner is in judicial custody for the past 43 days. The injured person is discharged from hospital. Considering the nature of the offence and the overt act allegedly committed by the petitioner against



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the de-facto complainant and the stage of investigation, this Court is inclined to grant bail to the petitioner, however, with conditions to be stated infra.

(i) The petitioner is ordered to be released on bail, on executing 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, Bodinayakknaur, Theni District;

(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) The petitioner shall appear and sign before the respondent police daily at 10.30 a.m. for a period of 31 days starting from 01.12.2023 to 31.12.2023;

(iv) The petitioner shall not either directly or indirectly cause threat to the de-facto complainant and witnesses; and

(v) On breach of any of the aforementioned conditions, the learned Judicial Magistrate is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by themselves as laid down by the Hon'ble Supreme Court in



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8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

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

JEN

To

1.The Judicial Magistrate,
Bodinayakkanur, Theni District.

2.Do through the Chief Judicial Magistrate,
Theni District.

3.The Inspector of Police,
Bodinayakkanur Taluk Police Station,
Theni District.

4.The Officer Incharge,
District Jail,
Thegampatti, Theni District.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.D.RAJABOOPATHY, Advocate (SR-16782[I] dated 23/11/2023)



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ORDER

IN

CRL OP(MD) No.20347 of 2023

Date :23/11/2023

ED/JGB /SAR- (23/11/2023) 6P / 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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