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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/02/2023

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD). No.22950 of 2022

Manikandan

... Petitioner/Accused Rank Not Known

Vs

State Rep.by
The Inspector of Police,
Amaiyanayakanur Police Station,
Dindigul District.
(Cr.No.59/2020).

... Respondent/Complainant

For Petitioner : M/s.Saravana Kumar.S,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

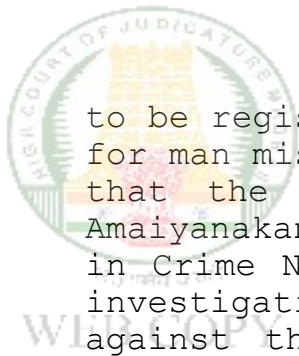
PRAYER :-

For Bail in Crime No.59 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/accused, who was arrested and remanded to judicial custody on 01.12.2022 for the offence punishable under Sections 174 Cr.P.C @ 302 of IPC in Crime No.59 of 2020 on the file of the respondent police, seeks bail.

2.The defacto complainant in this case is the Village Administrative Officer of Pallapatti Village. The case of the prosecution is that on 12.03.2020 at about 2.00 pm., while she was in duty in her office, she received information through her village Assistant that an unidentified male body aged about 25 to 30 years with fracture injuries on the left thigh was found laying with under wear, based on that she had given information to the respondent police and a case was registered in Crime No.59 of 2020 for the offence under section 174 of Cr.P.C. During the relevant period on the complaint given by one Manikandan that his son Praveen @ karuppsamy was missing from his home on 17.03.2022 came



to be registered by the Usilampatti Police in Crime No.2083 of 2020 for man missing. During the course of investigation it came to light that the dead body which was found within the limits of the Amaiyakanur Police Station is the son of the defacto complainant in Crime No.2083 of 2020. The respondent police continued with the investigation and it came to light the accused persons having grudge against the deceased on account of financial dispute and also dispute with regard to dealing of drugs, committed the murder of the deceased and after committing the murder had removed the dress of the deceased had thrown the body within the limits of the Amaiyakanur police station, hence the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been arrested on suspicion and thereafter he was subjected to third degree treatment and torture and while he was in custody the respondent police has made allegations as though the petitioner along with other accused committed the murder of the deceased and thereafter they have thrown the body of the deceased within the limits of the Amaiyakanur police station. He would further submit that the petitioner was arrested on 01.02.2022 and he is still in judicial custody. He would further submit that the petitioner is ready to cooperate with the further investigation and he is also ready to abide by any stringent conditions that may be imposed on him by this Court. He would further submit that as per the complaint given by the father of the deceased he has stated that his son was found missing from 17.03.2020, whereas as per the allegations in the present case the petitioner and other accused said to have murdered the deceased on 12.03.2020 itself hence there is a discrepancy in the statement, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that on information that the body of the deceased was found within the jurisdiction of the respondent police a case came to be registered under section 174 of Cr.P.C and later during the course of investigation it was found that the petitioner along with other accused committed the murder on 12.03.2020 on account of enmity regarding financial dispute and drug dealing and in so far as the missing complaint is concerned his father being a villager had given complaint stating that his son was missing from 17.03.2020. Though there is some discrepancy in the date now DNA has been done and the body of the deceased in this case tallies with the complainant in Crime No. 2083 of 2020 registered by the Usilampatti Town Police station. He would further submit that the First Information Report is not an encyclopedia. He would further submit that the petitioner has got twelve previous case, of which one case is for the offence under Section 302 of IPC and another case is for the N.D.P.S.Act, hence he objected to grant bail to the petitioner.

5.Heard. Perused the materials available on record including the First Information Report.



6. Taking into consideration of the facts and submissions made by the learned counsels and also taking into consideration the period of incarceration 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.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Nilakottai, Dindigul District and on further conditions that:

[b] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the 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., until further orders.

[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 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].

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

sd/-
13/02/2023

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13/02/2023

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

AAV



TO

1 THE JUDICIAL MAGISTRATE, NILAKOTTAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL.

3 THE SUPERINTENDENT, CENTRAL JAIL, DINDIGUL.

4 THE INSPECTOR OF POLICE, AMAIYANAYAKANUR POLICE STATION,
DINDIGUL DISTRICT.

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

+1 CC to M/s.S.SARAVANAKUMAR, Advocate (SR-2187[I] dated 13/02/2023)

ORDER

IN

CRL OP(MD) No.22950 of 2022

Date :13/02/2023

RS/VR/SAR.(13.02.2023) 4P-7C