



CRL OP(MD)No.20486 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 16.11.2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD)No.20486 of 2023

R.Manikandamoorthy

... Petitioner/ Accused No.1

Vs

State Rep.by  
The Inspector of Police,  
Sayalgudi Police Station,  
Ramanathapuram District.  
(Crime No.223 of 2023)

... Respondent/ Complainant

For Petitioner : Mr.N.Marimuthu,Advocate

For Respondent : Mr.RMS.Sethuraman,  
Additional Public Prosecutor.

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

PRAYER :-

For Bail in Crime No.223 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 01.11.2023



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for the alleged offence punishable under Sections 294(b), 448, 323, 506(ii) IPC and Section 3 of TNPPDL Act in Crime No.223 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and the defacto complainant's daughter are husband and wife. They are living separately and a case was also registered in Cr.No.15 of 2023 as against the petitioner herein. Hence, the petitioner and other accused went to the house of the defacto complainant and threatened to withdraw the above said case and also attacked them. Hence the case.

3.The learned counsel appearing for the petitioner would contend that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is in custody from 01.11.2023, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that already there was matrimonial dispute between the petitioner and the defacto complainant's daughter and a case was also registered. The petitioner and other accused threatened and attacked the defacto complainant to withdraw the said case. He would further submit that the investigation in this case is still pending.

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



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6.Considering the facts and circumstances and also taking into consideration the period of incarceration and taking into consideration of the principle stated by the Honourable Supreme Court in Sanjay Chandra and others vs. CBI reported in (2012) 1 SCC 40, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

[i] Accordingly, the petitioner is ordered to be released on bail on condition to execute a own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) subject to the satisfaction of the learned Judicial Magistrate, Kadaladi and on further conditions that:

(ii)the petitioner shall appear before the trial Court on summons.

(iii)the petitioner shall not tamper with evidence or witness;

(iv)the petitioner shall not abscond during trial.

v) On breach of any of the aforesaid conditions, the learned 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].



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vi)If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-  
16/11/2023  
/ TRUE COPY /

16/11/2023  
Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

GNS  
TO

- 1 THE JUDICIAL MAGISTRATE,  
KADALADI.
- 2 DO THROUGH:  
THE CHIEF JUDICIAL MAGISTRATE,  
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE  
SAYALGUDI POLICE STATION,  
RAMANATHAPURAM DISTRICT.
- 4 THE SUPERINTENDENT  
CENTRAL PRISON, MADURAI DISTRICT.



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

ORDER  
IN  
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Date :16/11/2023

PKP/16.11.2023/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified  
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