



Crl.O.P.No.3759 of 2024

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2024

CORAM

THE HON'BLE MR. JUSTICE **C.V.KARTHIKEYAN**

Crl.O.P.No.3759 of 2024

Manivannan @ Yamaha Mani

...petitioner

Vs.

State represented by
The Inspector of Police, (Law and Order)
E-5, Foreshore Estate Police Station,
Pattinapakkam, Chennai 600 004.
Crime No.169 of 2023

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in P.R.C.No.148 of 2023 on the file of the XXIII Metropolitan Magistrate, Saidapet, Chennai.

For petitioner : Mr.G.Mohana Krishnan

For Respondent : Mr.L.Baskaran
Government Advocate (crl.side)

ORDER

The petitioner is arrayed as A4 in P.R.C.No.148 of 2023 now pending before the XXIII Metropolitan Magistrate, Saidapet, Chennai.



Crl.O.P.No.3759 of 2024

WEB COPY

2.Originally, crime No.169 of 2023 had been registered by the respondent Police under Sections 147, 148, 341, 324, 506(ii), 307, 302 of IPC r/w 120(B) & 149 of IPC. The petitioner had been remanded to custody on 19.08.2023.

3.It is stated that the petitioner herein and the other accused had an affinity with the deceased and on the faithful day i.e., on 18.08.2023, they had a case at the Metropolitan Magistrate Court, Egmore. Thereafter, they had all gone over to Pattinapakkam/Foreshore Estate and had apparently come under the influence of liquor and all the other accused had also joined and the deceased was murdered and one person also suffered injuries, necessitating registration of the crime also under Section 307 of IPC.

4.The earlier application seeking bail had been dismissed by this Court on 23.01.2024 in Crl.O.P.No.316 of 2024.

5.The one change in circumstance is that the final report had been filed and the same has been taken cognizance as P.R.C.No.148 of 2023 and is now pending before the XXIII Metropolitan Magistrate, Saidapet, Chennai.



6.A counter affidavit had been filed and in the counter, it had been stated that this petitioner had colluded with the other accused, under the instruction of A1, had murdered the deceased for money and he is the henchman. There are three previous cases against the petitioner.

7.One further change in circumstance is that A1, A9 and A12 had been granted bail.

8.Taking into consideration the fact that the investigation has been completed and final report had also been filed and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

9.Accordingly, the petitioner is ordered to be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned **XXIII Metropolitan Magistrate, Saidapet, Chennai** and on further conditions that :-

[a] 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.



Crl.O.P.No.3759 of 2024

[b] the petitioner shall report before the respondent Police, everyday at 10.30 a.m., apart from the Court hearing dates, until further orders.

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

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] 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].

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

05.03.2024

vkrr



CrI.O.P.No.3759 of 2024

WEB COPY

To

1. The XXIII Metropolitan Magistrate, Saidapet, Chennai.
2. The Central Prison II, Puzhal.
3. The Inspector of Police, (Law and Order)
E-5, Foreshore Estate Police Station,
Pattinapakkam, Chennai 600 004.
4. The Public Prosecutor, High Court of Madras.



WEB COPY



Crl.O.P.No.3759 of 2024

C.V.KARTHIKEYAN. J.

vkr

Crl.O.P.No.3759 of 2024

05.03.2024