



WEB COPY



Crl.O.P.No.20508 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2024

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

Crl.O.P.No.20508 of 2024

Mani @ Manikandan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Mayiladuthurai Police Station,
Mayiladuthurai, Mayiladuthurai District.
(Crime No. 694 of 2020).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioner on bail, in S.C.No.14 of 2021, pending trial
on the file of the learned District and Sessions Judge, Mayiladuthurai.

For Petitioner : Mr.B.Thiyagarajan

For Respondent : Mr.S.Vinothkumar
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 09.04.2024, for the alleged offences punishable under Sections 147, 148,



CrI.O.P.No.20508 of 2024

341, 324, 294(b), 427, 307, 302 and 326 of IPC in connection with SC.No.14 of 2021 on the file of the learned District and Sessions Judge, Mayiladuthurai in Crime No.694 of 2020, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that, due to previous enmity, on 17.05.2020 at about 6.30 p.m, there was a wordy quarrel between the petitioner and the defacto complainant's younger brother, in which, the petitioner along with other accused attacked the defacto complainant's younger brother with iron rod and wooden rod, causing grievous injuries, taken to the hospital and later he died. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He has not committed any offence as alleged in the FIR. He further submit that the petitioner was arrested and released on bail before the Judicial Magistrate No.I, Mayiladuthurai in CMP.No.739 of 2020, dated 17.08.2020. However, the respondent police arrested the petitioner, because his bail was cancelled due to his involvement in a subsequent criminal case. He would



Crl.O.P.No.20508 of 2024

WEB COPY further submit that the petitioner was arrested and is in judicial custody for more than 140 days and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that earlier, in the murder case, the petitioner was granted bail. Subsequently, since he was involved in two other murder cases, his bail was cancelled by the trial court. Further, he was arrested on 24.04.2024, and he is in judicial custody. He further submitted that the petitioner has no previous cases, pending against him. However, he opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the submissions made by the learned counsel on either side, and considering the period of incarceration undergone by the petitioner, and taking into the fact that the case has been committed to Sessions Court and the case is pending for trial, and also considering the fact



Crl.O.P.No.20508 of 2024

that the petitioner has no previous cases against him and also considering all others factors, I am inclined to grant bail to the petitioner, subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his 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 District and Sessions Judge, Mayiladuthurai, and on further conditions that:-

[a] the petitioner shall report before the Trial court everyday at 10.30 a.m., until further orders.

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

[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 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



CrI.O.P.No.20508 of 2024

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 269 BNS.

02.09.2024

drl

To

- 1.The District and Sessions Judge,
Mayiladuthurai.
- 2.The Inspector of Police,
Mayiladuthurai Police Station,
Mayiladuthurai, Mayiladuthurai District.
- 3.The Superintendent,
District Jail, Mayiladuthurai.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



WEB COPY



Crl.O.P.No.20508 of 2024

drl

Crl.O.P.No.20508 of 2024

02.09.2024