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CRL O.P. No.25371 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.10.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.25371 of 2024

Manikandan

... Petitioner / Accused - 6

Vs

State rep. by
The Inspector of Police,
Kamanaickenpalayam Police Station,
Tiruppur District.

(Crime No.23 of 2024)

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, (BNSS) 2023, praying to enlarge the Petitioner on bail in S.C.No.124 of 2024 on the file of the Sub Court and Assistant Sessions Judge, Palladam.

For Petitioner : Mr.K.Sudhakar

For Respondent : Mr.S.Vinoth Kumar
Government Advocate
(Criminal Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 02.02.2024, for the offences punishable under Sections 147, 148, 342,



294(b), 307 of IPC, in Crime No.23 of 2024, on the file of the respondent, seeks bail.

2.The case of the prosecution is that the defacto complainant's brother was working as Reporter in a TV channel called News-7. On 24.01.2024 at about 11.00 p.m., the petitioner along with the other accused allegedly engaged in unlawful activities and assaulted the brother of the defacto complainant with knife and caused grievous injuries to him and he was admitted to the hospital. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner is no way connected with the alleged offence. He would further submit that the petitioner has been in custody from 02.02.2024 and co-accused in this case was also released on bail by this Court. He would also submit that the petitioner is also ready to abide by any stringent condition that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.



4.The learned Government Advocate (Crl. Side) would submit that on the date of alleged occurrence, the petitioner along with the other accused in an unlawful assembly, allegedly assaulted the brother of the defacto complainant with knife and caused grievous injuries to him. He would further submit that investigation was almost completed and the case has been now assigned as S.C.No.124 of 2024 on the file of the Sub Court and Assistant Sessions Judge, Palladam. However, he vehemently opposed to grant bail to the petitioner.

5.Heard both side learned counsel and perused the materials available on record.

6.Considering the nature of offences charged against the petitioner and investigation was already completed and the case has been committed to the Sessions Court and thereafter, the case was made over to the Assistant Sessions Judge and now the case is pending before the Assistant Sessions Judge for further proceedings and also considering the number of days of incarceration undergone by the petitioner, 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.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the **Sub Court and Assistant Sessions Judge, Palladam**, and on further conditions that;

[b] the Petitioner shall report before the Trial Court on all working days at 10.30 a.m., until further orders.

[c] the Petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[d] the Petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

[e] the Petitioner shall not abscond either during investigation or trial;

[f] 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]; and

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

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To

- 1.The Sub Court and Assistant Sessions Judge, Palladam.
- 2.Central Jail, Coimbatore.
- 3.The Inspector of Police,
Kamanaickenpalayam Police Station,
Tiruppur District.
- 4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J.
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