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CrI.O.P.No.27150 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

CrI.O.P.No.27150 of 2024

Manish

...Petitioner

Vs.

State represented by
Inspector of Police,
Sirkali Police Station
Mayiladuthurai District,
(Crime No.48 of 2023)

...Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S. Act, 2023, praying to enlarge the petitioner on bail in S.C.No.20 of 2024 on the file of the District and Sessions Judge, Mayiladuthurai in Crime No.48 of 2023.

For Petitioner : Mr. J. Jawahar

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 26.01.2023 for the offences under Sections 341, 386, 506(ii) of IPC r/w Section 25(1)(A) of the Arms Act, in Crime No.48 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner involved in the murder case of defacto complainant's owner's son and wife. While so, the petitioner restrained the defacto complainant and threatened that if the owner of the defacto complainant does not withdraw the complaint, he would kill both the defacto complainant and his owner. Further, the petitioner snatched a sum of Rs.1,250/- from the pocket of the petitioner. Hence, this case.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution, and he has been falsely implicated in this case. He further submitted that the petitioner has been in custody for more than 1 1/2



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years since 26.01.2023; that already the case has been taken up for trial in S.C.No.20 of 2024 on the file of the District and Sessions Judge, Mayiladuthurai and at the stage of examination of witnesses; that he is ready to furnish substantial sureties for his due release on bail. Therefore, he prays for the grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) opposes the grant of bail to the petitioner stating the petitioner involved in the murder case of defacto complainant's owner's son and wife. While so, the petitioner restrained the defacto complainant and threatened that if the owner of the defacto complainant does not withdraw the complaint, he would kill both the defacto complainant and his owner. Further, the petitioner snatched a sum of Rs.1,250/- from the pocket of the petitioner.

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

6. Considering the nature of offence and the money involved in this case, and considering the long period of incarceration undergone by the petitioner from 26.01.2023, and considering the fact that the case is now



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posted for examination of witnesses, and though the petitioner has got one previous case, he has been granted bail in that case, 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 **learned Judicial Magistrate, Sirkali**, and on further conditions that:

[a] the petitioner shall report before the **trial Court on all working days at 10.30 a.m. until further orders.**

[b] the petitioner shall attend in accordance with the conditions of the bond;

[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



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acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[e] the petitioner shall not abscond during 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 Judicial Magistrate, Sirkali.
- 2.The Superintendent of Prison,
Central Prison, Trichy.
- 3.The Inspector of Police,
Sirkali Police Station,
Mayiladuthurai District.
- 4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

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