



WEB COPY



Crl.O.P.No.31020 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2024

CORAM

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

Crl.O.P.No.31020 of 2024

T.V.Manivannan

... Petitioner

Vs.

State Represented by,
The Inspector of Police,
Velankanni Police Station,
Nagapattinam District.
Crime No.241 of 2024.

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS,
pleased to enlarge the petitioners on bail in Crime No.241 of 2024 pending
investigation on the file of the respondent police.

For Petitioners : Mr.P.Ramakrishnan

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 01.10.2024, for the alleged offences under Sections 126(2), 296(b),



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324(4), 351(2) and 109 of BNS in Crime No.241 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the victim is working as a car driver under one Appanu @ Maheswaran. Due to previous enmity with the said Appanu @ Maheswaran, the petitioner along with other accused persons wrongfully intercepted the car driven by the defacto complainant and attacked him with iron pipe and also damaged the car belongs to the owner of the defacto complainant. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that this is the second bail petition filed by the petitioner. He further submits 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 submitted that the similarly placed co-accused in this case has been granted bail by this Court. He also submitted that the detention of the petitioner under Goondas Act under Section 2(f) of the Tamil Nadu Act 14 of 1982 was revoked by the Government on 03.12.2024. He further submits that the petitioner was arrested and is in judicial custody from 01.10.2024 and is



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ready to abide by any conditions that may be imposed by this Court. Hence, he prays to grant bail for the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police would submit that due to previous enmity with the owner of the defacto complainant, namely Appanu @ Maheswaran, the petitioner along with other accused persons, attacked the defacto complainant with iron pipe and also damaged the car belongs to the owner of the defacto complainant. He further submitted that the injured has been discharged from the hospital, and that the petitioner has 5 previous cases, pending against him; and that the investigation in this is almost completed. However, he strongly 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 representation made by both side counsel, nature of offence, injured was also discharged from the hospital, co-accused was also released on bail, considering that the petitioner was detained under



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Goondas Act of the Tamil Nadu Act 14 of 1982 and thereafter, the detention order of the petitioner has been revoked, though the petitioner has five previous cases all are not similar kind of offence, in all the cases he has been released on bail, investigation was also completed, and that considering the period of incarceration undergone by the petitioner, 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 District Munsif cum Judicial Magistrate, Keezhvelur, and on further conditions that:-

[a] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

[b] 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;

[c] the Petitioner shall not, directly or indirectly, make any



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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;

[d] the Petitioner shall not abscond 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 himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]; and

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

13.12.2024

drl



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P.DHANABAL, J.

drl

To

- 1.The District Munsif cum Judicial Magistrate,
Keezhvelur.
- 2.The Inspector of Police,
Velankanni Police Station,
Nagapattinam District.
- 3.The Superintendent,
District Prison, Pudukkottai.
- 4.The Public Prosecutor,
High Court, Madras.

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