



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the Twenty First day of August Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.10822 of 2017

1 KANNAN
2 MOHAMED MARAIKKAYAR
3 UMAR ALI
4 SIVA
5 MANOJKUMAR
6 PARAKKATHULLA
7 RAHUMAN
8 PRADEEPAKUMAR
9 RAJESH

... PETITIONERS/ACCUSED 1 TO 9

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
DEVADANAPATTI POLICE STATION,
PERIYAKULAM,
THENI DISTRICT
CRIME NO.345 OF 2017

... RESPONDENT/COMPLAINANT

For Petitioner : MR.J.SULTHANBASHA, for
M/S.AJMAL ASSOCIATES Advocate

For Respondent : MR.A.RAMAR, Additional Public Prosecutor

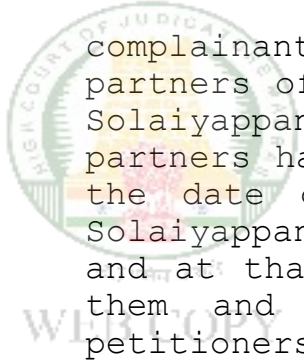
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners / A1 to A9, who were arrested on 08.07.2017 for the offences punishable under Sections 147, 148, 452, 323 IPC @ 147, 148, 452, 324 IPC, Section 25(1A) of Arms Act and Section 9(B)(1)(b) Explosives Act in Crime No.345 of 2017 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners criminally trespassed into the property of the de facto complainant with deadly weapons and attacked him and thereby caused injury.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that the de facto



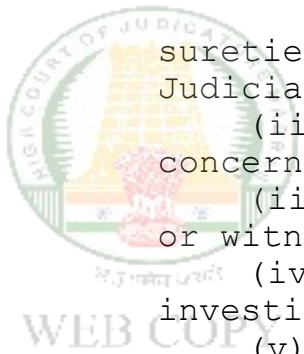
complainant's owner namely, one Raju and one Solaiyappan are partners of a property and for doing real estate business, the said Solaiyappan appointed one Muthulakshmi as power holder. Both the partners have engaged the petitioners for cleaning the plots and on the date of occurrence, based on the request made by the said Solaiyappan, the petitioners were doing cleaning work in the plots and at that time, the de facto complainant picked up quarrel with them and that a dispute arose between them and hence, the petitioners left from the place. However, the present compliant has been lodged against the petitioners.

4.The learned counsel for the intervenor would submit that the de facto complainant is working as a Manager under one Raju and the said Raju and Muthulakshmi are partners in a real estate business. The said Raju invested Rs.12 crores and the said Muthulakshmi has not invested any amount, however, she filed a suit in O.S.No.1 of 2016 seeking permanent injunction not to alienate the property as against the said Raju and subsequently, she filed another suit in O.S.No.21 of 2017 before the District Court, Theni for dissolution of partnership and also for partition of the said property. He also submitted that one Varadarajan, who is working as Sub Inspector, is the son of Muthulakshmi has induced the petitioners herein for committing the above said offence with the help of the said Solaiyappan.

5.The learned Additional Public Prosecutor submitted that initially case was registered against unnamed 10 accused persons and during investigation based on the confession of A1, totally 9 persons have been arrayed as accused, who are the petitioners herein. He also submitted that on the basis of confession of A1, 2 aruvals, 9 petrol bottles, one two wheeler and other deadly weapons were recovered from A1. He also submitted that injured was treated as out patient and investigation is still pending. He further submitted that the first petitioner is having three previous cases in Crime No.697 of 2015 under Sections 294(b), 323 and 506(ii) IPC before Thenthurai Police Station, Crime No.280 of 2013 under Sections 294(b), 323 and 506(ii) IPC before Periyakulam Police Station and Crime No.266 of 2013 under Sections 143, 341, 188 IPC before Periyakulam Police Station.

6.The learned counsel for the petitioners seeks permission to withdraw this Criminal Original petition in respect of the 1st petitioner / A1. He has also made an endorsement to that effect.

7.Considering the facts and circumstances of the case and considering the fact that injured was treated as out patient and the petitioners were implicated as accused based on the confession of A1 and also the period of incarceration of the petitioners in jail, this Court is inclined to grant bail to the petitioners. Accordingly, **the petitioners are ordered to be released on bail** subject to the following conditions:



sureties, each for a like sum to the satisfaction of the Judicial Magistrate, Periyakulam;

(ii) the petitioners are directed to appear before the concerned Court daily at 10.30 a.m. until further orders;

(iii) the petitioners shall not tamper with the evidence or witness either during investigation or trial;

(iv) the petitioners shall not abscond either during investigation or trial;

(v) on breach of any of the aforesaid conditions, the Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the 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]**.

sd/-

21/08/2017

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE, PERIYAKULAM, THENI DISTRICT.
- 2 THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.
- 3 THE INSPECTOR OF POLICE
DEVADANAPATTI POLICE STATION, PERIYAKULAM, THENI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 5 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

+1. CC to M/S.AJMAL ASSOCIATES Advocate SR.No.29014

nbj

CSL/CM-MSA/SAR-IV/21.08.2017 : 3P/7C

ORDER

IN

CRL OP(MD) No.10822 of 2017

Date : 21/08/2017