



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

Monday, the Twenty Third day of October Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) Nos.14017 and 14018 of 2017

1 MURUGAN
2 ARUNACHALAM

... PETITIONERS/ACCUSED No.1 & 5
IN BOTH THE PETITIONS

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE
AMBASAMUDRAM POLICE STATION,
TIRUNELVELI DISTRICT.

... RESPONDENT / COMPLAINANT
IN BOTH THE PETITIONS

CRIME NO.87/2017 in CRL OP(MD) No.14017 of 2017

CRIME No.384/2017 in CRL OP(MD) No. 14018 of 2017

For Petitioner : M/S.J.SANKARA PANDIAN Advocate
in both the petitions

For Respondent : M/S.K.ANBARASAN, Government Advocate(Crl.Side)
in both the petitions

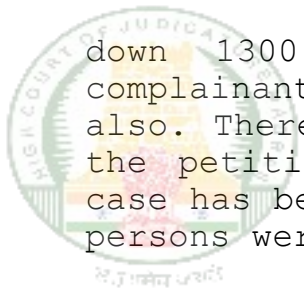
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

Since the petitioners and the crime involved are one and the same, these two cases have been taken up together and disposed of by way of common order.

2.The petitioners/accused Nos.1 and 5, who were arrested and remanded to judicial custody on 21.09.2017 and 25.09.2017 respectively, for the alleged offences punishable under Section 435 of IPC, and Section 3(i) of TNPPDL Act, altered into Sections 147, 148, 435 of IPC and Section 3(i) of TNPPDL Act, in Crime No.87 of 2017 and under Section 3 of TNPPDL Act, altered into Sections 147, 148 of IPC and Section 3 of TNPPDL Act, in Crime No.384 of 2017, on the file of the respondent police seek bail.

3.The case of the prosecution is that on 17.09.2017, due to previous enmity against the defacto complainant, the petitioners cut



down 1300 Banana Trees, which were planted by the defacto complainant and they removed huge Banana Trees in the adjacent land also. Therefore, the defacto complainant lodged a complaint against the petitioners and three other persons. Based on his complaint, case has been registered for the above said offences and the accused persons were arrested and remanded to judicial custody.

4.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. However, he submitted that the petitioners are ready to deposit some amount for the damage.

5.The learned Government Advocate(Crl. side) submitted that there is four previous cases of similar nature are pending against the first petitioner and eight previous cases are pending against the second petitioner.

6.Admittedly, the defacto-complainant is a farmer and invested his money in order to grow Banana Trees and now-a-days, the farmers are facing lot of problems for investing money to the agricultural activities and in the present cases, the accused persons cut down the Banana Trees of the defacto complainant and caused damages to the tune of Rs.1,25,000/- and Rs.1,35,000/- respectively. In order to meet the ends of justice, and since the petitioners are willing to deposit damages, I am inclined to issue a direction to the petitioners to deposit a sum of Rs.1,25,000/- each, to the credit of Crime Nos.87 and 384 of 2017 on the file of the Judicial Magistrate Court, Ambasamudram, Tirunelveli District. Accordingly, the petitioners are ordered to be released on bail subject to the following conditions:

(i) each of the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only), with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Ambasamudram, Tirunelveli District;

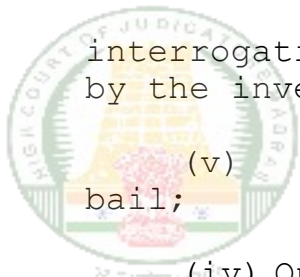
(ii) the petitioners shall deposit a sum of Rs.1,25,000/- (Rupees one lakh twenty five thousand only) for each petitions, totally 2,50,000/- to the credit of Crime Nos.87 and 384 of 2017 respectively, on the file of the Judicial Magistrate Court, Ambasamudram, Tirunelveli District, without prejudice to their defence before the trial Court within a period of two weeks from the date of receipt of copy of this order. After such deposit, the trial Court shall accept the sureties furnished by the petitioners and disburse the said amount to the defacto complainant immediately;

(iii) the petitioners shall report before the investigation officer, daily between 10.00 a.m. and 11.00 a.m., for a period of two weeks;

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

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(iv) the petitioners shall make themselves available for



interrogation including custodial interrogation as and when required by the investigation officer;

(v) the petitioners shall not commit any offence while on bail;

(iv) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law and the bail granted stands cancelled automatically.

sd/-
23/10/2017

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

TO

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

+2. CC to M/S.S.PALANI VELAYUTHAM Advocate SR.Nos.32983,32984

ORDER
IN
CRL OP (MD) Nos.14017
and 14018 of 2017
Date :23/10/2017

SMA/CM-MSA/SAR-4/25.10.2017:2P/8c