IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.11.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.No.17281 of 2020

1.Ranjith Kumar ... petitioners
2.Manikandan
3.Kodiyarasu alias Arasu
4.Ramesh
5.Vijayakumar
6.Vijayaganesh
7.Sakthivel
8.Boopathi
9.Aravindan
10.Mohankumar
11.Mohan
12.Shreedhar

Vs.

State rep.by ... Respondent
The Inspector of Police,
Karumandurai Police Station,
Salem District.
(Crime No.181 of 2020)

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.181 of 2020 on the file of the respondent Police

For petitioners : Mr.R.Selvabharathi

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

WEB COPY

ORDER

(The cases have been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 08.09.2020 for the offences punishable under Sections 147, 148, 447, 448, 294(b), 506 (ii) of IPC and under Section 3(1) of TNPPDL Act, in Crime No.181 of 2020 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the defacto complainant one Devaraj, S/o. Padmanaban said to have purchased a land to an extent of 10 ½ Acres in Survey No.333/3, 389/1, 332/3,

https://hcservices.ecourts.gov.in/hcservices/

332/4, 332/5 Chinna Kalrayan Malai Vadaku Nadu Servapattu Village, Pethanaickenpalayam Taluk, Salem District through one Sasikumar and that he had purchased the above said land for a valid sale consideration of Rs.51,25,057/- through registered sale deed dated 05.03.2018 Doc.No.631/2018 and that he had paid Rs.30.00 Lakhs towards brokerage commission to the account of the above said Sasikumar and his wife Santhalakshmi for sale of the above land. The further allegation is that after the purchase, the defacto complainant was in possession and enjoyment of the above land and that he is running a poultry farm with 14 milch animals and 9 goats and also cultivating sugar-cane and beetle-nut trees in the land and that on 06.08.2020 at about 07.00 p.m., the accused along with others came to the land along with lethal weapons and abused the workers of the defacto complainant claiming the right over the land and damaged the house door, TV and asbestos sheet worth Rs.25,000/- with wooden poles. When the defacto complainant was informed about the incident, he gave instructions to his worker one Mahendran to prefer a police complaint. The further allegation is that the said Mahendran again on 27.08.2020 informed the defacto complainant that the accused had taken 14 nos. of milch animals and 9 goats in their two cars and once again the complaint was preferred. The accused after knowing about the complaint, brought back all the 14 nos. of milch animals and 9 goats on the same day. The further allegation is that on 08.09.2020 while the workers of the defacto complainant were working in the land, the accused came to the land at 02.00 P.M., in two cars and abused the workers demanding Rs.20 lakhs towards balance commission payable to the said Sasikumar failing which, they would murder them and chased all the workers from the land. Hence, the complaint.

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 petitioners are laborers and they were engaged by the main accused on the pretext of doing agricultural work and believing him, the petitioners accompanied the main accused to do the farm work. Whereas, on seeing the police, the main accused had left them in the place of occurrence and escaped from there and that the petitioners, without understanding what was happening, were standing near the place of occurrence and that they were arrested by the respondent police. He would further submit that the petitioners have been in judicial custody for more than 60 days from 08.09.2020 and thereby, the families of the petitioners have been suffering a lot.

4. The learned Additional Public Prosecutor would vehemently oppose stating that the petitioners are hirelings and they were engaged by the main accused. He would further submit that the main accused came to the scene of occurrence and caused damages to the building, TV and asbestos sheet worth about Rs.25,000/- and they have also taken 14 numbers of milch animals and nine goats and that the main accused has given threat to the defcato complainant and also demanded money from him.

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

5. The learned counsel for the intervener would submit that the petitioners are hirelings and they were engaged by the main accused. He would further submit that they ransacked the farm house of the defacto complainant and the other accused had taken away 14 numbers of milch animals and nine goats and that the petitioners were arrested from the scene of occurrence. Hence, he vehemently opposed for grant of bail.

6.Heard the learned Counsel on either side. Perused the F.I.R. and also the other materials placed on record.

7.Taking into consideration of the facts and submissions made by the learned counsels and also taking into consideration of the period of incarceration suffered by the petitioners, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners are 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 **learned Judicial magistrate-II, Attur, Salem District** and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioners shall stay at Salem and report before the Ammapettai Police Station every day at 10.30 a.m., until further orders. The petitioners shall not enter into the jurisdictional limits of the respondent police.

(d) the petitioners shall not commit any offences of similar nature;

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

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

WEB COPY

(g) on breach of any of the aforesaid conditions, the learned Judicial 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 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];

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

https://hcservices.ecourts.gov.in/hcservices/

8.With the above directions, this Criminal Original Petition is ordered.

-sd/-
06/11/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE-II,
ATTUR, SALEM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KARUMANDURAI POLICE STATION,
SALEM DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

6 THE OFFICER INCHARGE,
AMMAPETTAI POLICE STATION,
SALEM.

+5 CC to M/S.R.SELVABHARATHI Advocate on payment of necessary charges SR.NO.7345

CRL OP.17281/2020

Date :06/11/2020

TA-09/11/2020

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/