



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated : 24.09.2020

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PRESENT

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

CRL.O.P. (MD)No.10195 of 2020

1.Thenmozhi
2.Jameenraja @ Jameenraj
3.Kumar
4.Arulvizhi ...Petitioners/Accused Nos.1 to 4

Vs.

State through
The Sub Inspector of Police,
Karambakudi Police Station,
Pudukottai District.
Crime No.716 of 2020. ...Respondent/Complainant

PRAYER :- Petition filed under Section 482 of the Code of Criminal Procedure praying to modify the condition in the order dated 01.09.2020 made in CrI.M.P.No.3350 of 2020 on the file of the Principal District and Sessions Judge, Pudukottai.

For Petitioners : Mr.N.Kamesh
For Respondent : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.Side)

O R D E R

The present petition has been filed to modify the condition imposed by the learned Additional District Judge/Principal Sessions Judge (i/c), Pudukkottai, vide order dated 01.09.2020 made in Cr.M.P.No.3350 of 2020.

2. The petitioners are Accused Nos.1 to 4 in Crime No.716 of 2020 for the alleged offences punishable under Sections 294(b), 323, 324, 354, 427, 506(ii) of the Indian Penal Code and seeking anticipatory bail, they have filed an application in Cr.M.P.No.3350 of 2020 before the learned Principal District and Sessions Judge, Pudukkottai. The Court below has granted bail to the petitioners subject to the condition that the petitioners should deposit a sum of Rs.12,500/- [Rupees Twelve Thousand Five hundred only] each, as cash security, before the learned Judicial Magistrate, Alangudi. To modify the same, the present petition has been filed.



3.The case of the prosecution is that due to civil dispute the petitioners said to have attacked the defacto complainant and also caused damages to the compound wall worth about a sum of Rs.50,000/-.

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4.The learned counsel appearing for the petitioners submitted that there is a long standing civil dispute between the parties and the petitioners also filed a suit against the defacto complainant and the same is pending. When the civil suit is pending, the defacto complainant filed a petition before this Court for seeking police protection and this Court, by order dated 19.03.2020, closed the application recording that already FIR has been registered against the petitioners and investigation will be conducted and the defacto complainant's safety will be ensured. He further submitted that the defacto complainant misused the order of this Court in Crl.O.P(MD) No.4897 of 2020, dated 19.03.2020 and a sent a false representation to the Superintendent of Police. The Superintendent of police has passed an order to the respondent police to provide police protection to the defacto complainant. He further submitted that due to civil dispute, the defacto complainant attacked the petitioners with wooden log and the respondent police registered a counter case against the defacto complainant in Cr.Mo.717 of 2020.

5.In the mean time, the first petitioner has filed a petition before this Court for seeking police protection in W.P(MD)No.10409 of 2020 and this Court by order 31.08.2020 issued notice to the defacto complainant and also granted interim stay of the proceedings in Na.Ka.No.2/17864/2020, dated 07.08.2020, passed by the Superintendent of Police, Pudukottai District. He further submitted that the defacto complainant filed a false complaint against the petitioners that they have damaged the compound wall worth about a sum of Rs.50,000/-. Absolutely, there is no material available to show that they have damaged the compound wall. Without considering those aspects, the Court below directed the petitioners should deposit a sum of Rs.12,500/- each. The petitioners are the poor people and they are not in a position to comply the condition.

6.Heard the learned Government Advocate (Criminal side) appearing for the respondent police also.

7.I have considered the submissions made on either side and perused the records.

8.On perusal of records it is seen that there are several litigations between the petitioners and the defacto complainant. That apart, as per the FIR, the petitioners alleged to have damaged the compound wall worth about a sum of Rs.50,000/-, but there is no substantial proof for the same.



9.Considering the above circumstances, this Court is inclined to modify the condition. Accordingly, the condition stands modified to the effect that the petitioners are directed to deposit a sum of Rs.10,000/- [Rupees Ten Thousand only] to the credit of Crime No.716 of 2020 on the file of the learned Judicial Magistrate, Alangudi. The other conditions imposed by the learned Additional District Judge/Principal District and Sessions Judge i/c., Pudukkottai, vide order dated 01.09.2020, stand unaltered.

10.This Criminal Original Petition is ordered accordingly.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vsd

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. The Judicial Magistrate, Alangudi.
2. The Chief Judicial Magistrate, Pudukkottai.
3. The Principal District Sessions Judge, Pudukkottai.
- 4.The Sub Inspector of Police,
Karambakudi Police Station,
Pudukkottai District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CRL.O.P. (MD)No.10195 of 2020

Date: 24.09.2020

NS (CO)

TR(06.10.2020) 3P 6C