



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

Date : 10/12/2020

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.14498 of 2020

1. Motchagunasekaran

2. Prasath

... Petitioner/Accused No.1 and 4

Vs

State Rep. by
The Inspector of Police,
Peravorani Police Station,
Peravorani, Thanjavur District.
Crime No.1290/2020.

... Respondent/Complainant

For Petitioner : M/s.V.Selvakumar,
Advocate.

For Respondent : Mr.R.Erottuchamy,
Government Advocate (Crl.Side)

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

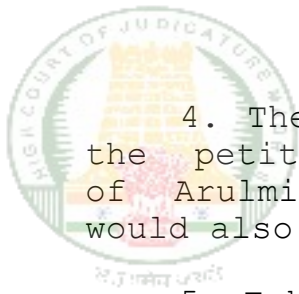
PRAYER :- For a Bail in Crime No.1290 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 to A4 , who were arrested and remanded to judicial custody on 30.11.2020 for the offences punishable under Sections 147, 148, 447 of IPC and Section 3 of TNPPDL Act on the file of the respondent police seek bail.

2.The case of the prosecution is that the defacto complainant is the Executive Officer of Arulmighu Veeramakaliyamman Thirukoil and took the possession of the property through Court and on 29.11.2020 the petitioners along with other accused entered into the said property and damaged the fence. Hence the complaint.

3.The learned counsel for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and they are innocent. Infact the petitioners were in possession of for more than 50 years and A4 filed EP petition against which CRP has been filed and it is pending before this Court.



4. The learned Government Advocate(Crl.Side) would submit that the petitioners along with other accused entered into the property of Arulmighu Veeramakaliyamman Thirukoil and damaged the fence. He would also submit that the investigation is pending.

5. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioners subject to the following conditions:

6. Accordingly, the petitioners are ordered to be released on bail, subject to the following conditions

[a] the petitioners shall file an undertaking affidavit before the learned Judicial Magistrate, Pattukottai that they will not interfere with the peaceful possession and enjoyment of the subject property belonging to the HR & CE Department and also shall undertake that they will not indulge in similar type of activities against the HR &CE Department.

[b] On receipt of such affidavit ,the petitioners shall execute a bond for a sum of Rs.10,000/-(Rupees Ten Thousand only) each with two blood related sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Pattukottai

[c] the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

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

[e]the petitioners shall not tamper with evidence or witness.

[f] the petitioners shall not abscond during trial.

[g]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 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.

sd/-
10/12/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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.

WEB COPY

- TO
- 1 THE JUDICIAL MAGISTRATE,
PATTUKKOTTAI.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR AT KUMBAKONAM.
 - 3 THE INSPECTOR OF POLICE,
PERAVORANI POLICE STATION,
PERAVORANI, THANJAVUR DISTRICT.
 - 4 THE OFFICER INCHARGE,
SUB JAIL, KUMBAKONAM.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.14498 of 2020
Date :10/12/2020

aav
JM/AKM/SAR III/10.12.2020/3P/6C