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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/03/2021

PRESENT

The Hon'ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.4539 of 2021

1. G.Rajasekar
2. D.Ayyappan
3. Aravinth
4. A.Jeyaraman
5. Pradeep
6. Poobesh
7. Azhageshan
8. Ganagaraj
9. Sankapillai
- 10.Suthagar
- 11.Nambiraj
- 12.Madhavan
- 13.Solairajan
- 14.Sathyavarman @ Santhira Varman,
- 15.G.Gopalakrishnan
- 16.S.Harisvarma,
- 17.Rajkumar
- 18.Mohan @ Mohana Pradeep
- 19.R.Prashanth

... Petitioners/Accused 1 to 14,
16 to 18 & 20 Rank not known

Vs

The State Rep. by
The Inspector of Police,
Lalgudi Police Station,
Trichy District
Crime No.191/2021.

... Respondent/Complainant

For Petitioners : Mr.Lenin Kumar.T.,
Advocate.

For Respondent : Mr.M.Chandra Sekaran,
Additional Public Prosecutor

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

PRAYER :-

<https://hcservices.ecourts.gov.in/hcservices/>
For Bail in Crime no. 191 of 2021 on the file of the
respondent Police.



ORDER : The Court made the following order :-

The petitioners/A1 to 14,16 to 18 and 20, who were arrested and remanded to judicial custody on 10.03.2021 and 13.03.2021 for the offences punishable under Sections 147,148,294(b),324,332,307, 506 (ii) of IPC and Section 3 (1) of TNPPDL Act on the file of the respondent police seek bail.

2.The case of the prosecution is that on 10.03.2021 when the defacto complaint was on duty to give protection to the procession of Achiramavalli Amman Temple the petitioners herein along with other accused said to have blocked the road by throwing big stones and trees and also pelted stone on the police personnels, due to which they sustained injuries. Hence the complaint.

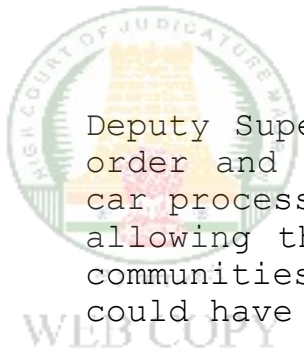
3.The learned counsel for the petitioners would submit that the petitioners are innocent and a false case has been foisted against them. He would also submit that Arulmighu Achiramavalli Amman temple is situated in their village and the same is administered by HR &CE Department. He would also submit that once in every year during the month of Masi the temple festival will be conducted and during the festival procession of deity in temple car will be taken out by the temple committee and in the said procession the goddess will be taken through several streets and after procession into the street, the goddess will reach the temple. He would further submit that the petitioners belong to scheduled caste community and the procession car will not enter their street. He would also submit that in the year 1994 the scheduled caste people of Jangamarajapuram approached the HR &CE authorities to take the procession car into their street the caste Hindu objected for which a peace committee meeting was conducted by the Tahsildhar, Lalgudi in which the caste Hindu people agreed to allow the processions car into the street of the scheduled caste community people. Having consented over the same, the upper caste people later created problem and hence the said festival was not conducted. He would also submit that during the year 2018 Kumbabeshikam of the temple was conducted without any hindrance and during the year 2020 police officials declined to grant permission citing law and order problem. Thereafter filed WP(MD) No. 3582 of 2020 and got direction to conduct the festival which was confirmed in W.A(MD) No. 381 of 2020.He would also submit that during the festival some people in both the groups sustained injuries. Hence this year the petitioner group was kept away against the orders of this Court and only caste Hindus were allowed to take the temple case to their street. Hence there was some commotion due to which some miscreants created trouble some got injured and the injuries are simple in nature and now they got discharged from the hospital, hence he seeks bail.



4. The learned Additional Public Prosecutor filed a counter and submitted that till 1994 temple festival including car processions was conducted by the people of Jengamarajapuram, Managamarajapuram and Keelaanbil village following the customary practice, till the year 1994 there was no quarrel or disharmony occurred and all community peoples participated peacefully during the temple festival. In the year 2018 temple kumbabishegam was performed without any law and order problem. Last year one Prabhu Nambiyappan filed a Writ petition before this Court in W.P(MD) No. 3582 of 2020 seeking direction to consider his representation dated 27.10.2019 and direct the respondents to take appropriate steps for conducting car festival and this Court by an order 26.02.2020 directed the Executive Officer of the Temple to ensure that the festival is conducted periodically without stopping it for unnecessary reasons. He would submit that for the present year on 23.02.2021 as per the direction of the Joint Commissioner, HR & CE Trichy, the Executive Officer of the temple and temple Thakkar convened meeting with two sections of people and the temple festival was conducted. In the said festival there was a group clash in which some of the police persons sustained injuries. He would also submit that tension is prevailing in that area picketing posted and there is law and order problem, hence he opposed to grant bail to the petitioners.

5. It is seen that there is dispute between two groups of people for quite some time. In the year 2020 after getting permission from this Court car festival was conducted and the temple car was taken to community people streets of both communities and in that there was some commotion. This year the petitioners group as well as other group made representation to the Joint Commissioner and the Joint Commissioner passed an order on 12.02.2021, directing the Executive Officer to convene meeting of all and thereafter to take a call. The Deputy Superintendent of Police, Lalgudi had sent a report on 01.03.2021 informing that situation is volatile and in view of the impending General election police force could not be deputed in strength and there is a possibility of clash. Thereafter the car festival was conducted on 10.03.2021, the temple car was taken to particular streets of caste Hindu community and was not taken to the streets of Scheduled caste peoples. Hence there arose clash pelting of stones and exchange of blows. The police persons guarded themselves by using helmet and shield, during the clash they sustained bruises and abrasions due to stone pelting and nine police persons and others sustained injuries, taken to Government Hospital, Lalgudi. Further a complaint lodge by one Bharkavi from the victim group making specific allegations against certain persons who indulged in violence and caused damages.

6. The temple authorities act of permitting car festival despite specific advisory on the law and order situation of the



Deputy Superintendent of Police, Lalgudi and the Joint Commissioner order and advisory is condemnable, more particularly allowing the car procession to proceed only in the streets of caste Hindu and not allowing the car procession to pass through the street of deprived communities which is the cause for the trouble and violence, which could have been avoided.

7. The respondent police is directed to conduct enquiry and proceed in accordance with law on the complaint of Mrs. Barkavi dated 11.03.2021, if the complaint discloses cognizable offence, register a case and investigate. Further the names of the offenders and specific allegations made. Further medical certificates of the Government Hospital, lalgudi of Mrs. Hamsu, Mrs. Nagajothi, Mrs. Jeyamani, Mrs. Chellathai produced. The respondent police though showed swiftness in registering the case against the petitioners group and arresting some, no action till date taken on the complaint of petitioners group, which is a sorry state of affair.

8. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration and also taking note of the fact the injured in both the group got discharged from the hospital this Court is inclined to grant bail to the petitioners subject to the following conditions:

9. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Lalgudi.

i) 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

ii) the petitioners shall stay at Trichy and report before the Cantonment Police Station daily at 10.30 until further orders. Further the petitioners are permitted to visit their native place only on 06.04.2021 for casting their vote and thereafter shall continue to appear before the Cantonment Police Station

iii) the petitioners shall not tamper with evidence or witness.

iv) the petitioners shall not abscond during trial.

v) 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 petitioner 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].



vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
26/03/2021

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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.

TO

1. THE JUDICIAL MAGISTRATE,
LALGUDI, TRICHY DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
4. THE INSPECTOR OF POLICE,
LALGUDI POLICE STATION,
TRICHY DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:-

THE INSPECTOR OF POLICE,
CANTONMENT POLICE STATION,
TRICHY.

+1 CC to Mr.T.LENIN KUMAR, Advocate (SR-2619[I] dated 26/03/2021)

ORDER
IN
CRL OP(MD) No.4539 of 2021
Date :26/03/2021