



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/07/2021

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PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.8682 of 2021

1. Prakash
2. Pandi
3. Lakshmanan
4. Manojkumar
5. Mageshwaran
6. Nanthakumar

... Petitioners/Accused No.11 and
Unnamed accused

Vs

The State rep.by
The Inspector of Police,
Nainarkovil Police Station,
Ramanathapuram District.
(Crime No.159 of 2021)

... Respondent/Complainant

Alagu

... Petitioner/Intervener
in CRL MP(MD)No.4716 of 2021 in
CRL OP(MD)No.8682 of 2021

For Petitioners : Mr.T.Pon Ramkumar,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

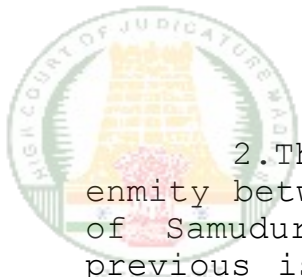
For Intervenor : Mr.M.S.Jeyakarthik, Advocate

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

PRAYER :- For Bail in Crime No.159 of 2021 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioners are arrested and remanded to Judicial Custody
on 17.06.2021 for the offences punishable under sections 147, 148,
294(b), 435, 436, 506(ii) and 120B of I.P.C., and Section 3 and 4 of
Tamil Nadu Public Property (Prevention of Damage and Loss) Act,
1992, in Crime No.159 of 2021 on the file of the respondent police.
hence, they seek bail.



2.The case of the prosecution is that there is a previous enmity between the family of the defacto complainant and the family of Samudurai. There is a case registered in connection with previous issue. On 16.06.2021 at about 09.30 pm., when the defacto complainant and his daughter namely., Karthika were standing in front of their house, Sathiya, Samidurai, Jegathammbal, Gajanthiri, Dinesh, Karthy, Vasuki, Ajithkumar, Anguselvam, Shanmugavalli, Prakash, Gannaki, Jivitham, Puvin and some others had formed unlawful assembly and came towards them with knife, woodenlog, Aruval and stick. Fearing that something is going to happen, the defacto complainant and his daughter went into the house and locked them in a room. Sathiya and other scolded them in filthy language and they trespassed into the house and attacked the things in the house. They made criminal intimidation to them. They also attacked the house of Jeeva, Sathiyai, Sumathi and Muniyasamy. They also fired the Tractor of Raja and the Scooty, Tractor and Cycle of Muthuramalingam and they burned 20 bags of cotton. Hence, the present complaint.

3.The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case. The damage alleged to have caused in this case is not really true. The defacto complainant and their party have themselves created the evidence to show that the vehicles had been burnt and houses had been damaged. Therefore, he seeks bail to the petitioners.

4.The learned counsel for the intervener objected this petition mainly on the ground that the properties worth about several lakhs had been damaged.

5.The learned Additional Government Pleader submitted that the petitioners 2, 3 and 4 are having previous case. They are as follows:-

Pandi	1.Nainarkovil Police Station in Crime No.30 of 2020 under Sections 147, 294 (b), 323, 506(i) of I.P.C. 2.1.Nainarkovil Police Station in Crime No.140 of 2020 under Sections 21(1) of Mines and Minerals (Development and Regulation) Act. 3.Nainarkovil Police Station in Crime No.220 of 2020 under Sections 109, 41 (2) of Cr.P.C., @ 109 of Cr.P.C.
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Lakshmanan	1.Chatrakudi Police Station in Crime No.132 of 2017 under Section 110(3) of Cr.P.C. 2.Chatrakudi Police Station in Crime No.126 of 2017 under Section 4(1)(a) of TNP Act. 3.Chatrakudi Police Station in Crime No.171 of 2015 under Section 4(1)(a) of TNP Act.
Manojkumar	1.Rameshwaram Police Station in Crime No.1 of 2018 under Sections 194(b), 323, 341, 379 and 506(i) of I.P.C., @ 294(b), 323, 341 and 506(i) of I.P.C.

6. Since the petitioners 2, 3 and 4 are having previous cases, this criminal original petition is dismissed as against them.

7.Considering the allegations made against the petitioners 1, 5 and 6 in connection with the case shows that there is a prevailing dispute in connection with election between these two groups and as a result both the parties attacked each other and damaged properties worth about several lakhs. No one is injured in this case. The issue is with regard to the nature and extent of damage. This is to be proved through evidence during trial. As of now, the custodial interrogation of the petitioners 1, 5 and 6 is not necessary. Therefore, this Court is inclined to grant bail to them.

8.Accordingly, the petitioners 1, 5 and 6 are ordered to be released on bail on his 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, Paramakudi, and on further condition that:

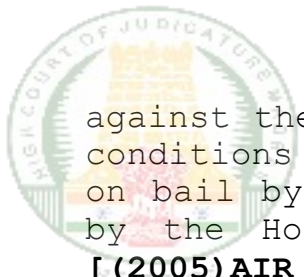
[a]the petitioners 1, 5 and 6 and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[b]the petitioners 1, 5 and 6 shall report before the respondent police daily at 10.30 am., until further orders.

[c]the petitioners 1, 5 and 6 shall not tamper with evidence or witness either during investigation or trial.

[d]the petitioners 1, 5 and 6 shall not abscond either during investigation or trial.

[e]On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action



against the petitioners 1, 5 and 6 in accordance with law as if the conditions have been imposed and the petitioners 1, 5 and 6 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]**.

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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
09/07/2021

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/ /2021
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, PARAMAKUDI.
- 2.DO-THROUGH :THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3.THE OFFICER INCHARGE,
SUB JAIL, VIRUDHUNAGAR.
- 4.THE INSPECTOR OF POLICE,
NAINARKOVIL POLICE STATION,
RAMANATHAPURAM DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.8682 of 2021
Date :09/07/2021

IAS
AE/VR/SAR-III/12.07.2021/4P/6C