



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

Date : 09/07/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.8794 of 2021

Samidurai

... Petitioner/Accused No.1

Vs

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

... Respondent/Complainant

Alagu

... Petitioner/Intervener
in CrI.MP (MD) No.4715/2021
in CrI.OP (MD) No.8794/2021

For Petitioner : Mr.R.Anand,
Advocate.

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

For Intervener : Mr.Jeyakarthik.M.S.

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 petitioner is arrested and remanded to Judicial Custody on 16.06.2021 for the offences punishable under sections 147, 148, 294(b), 435, 436, 506(ii) and 120B of I.P.C. r/w. Sections 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.



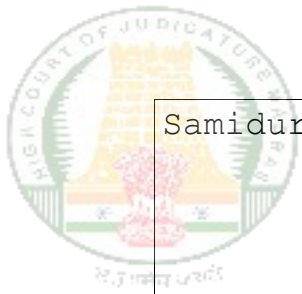
2.The case of the prosecution is that there is a previous enmity between the family of the defacto complainant and the family of petitioner. There is a case registered in connection with previous issue. On 16.06.2021 at about 09.30 pm., when the defacto complainant and his daughter namely., Karthika 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 petitioner submitted that the petitioner is innocent and he has 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 petitioner is having previous case. They are as follows:-

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



WEB COPY

Samidurai	1.Paramakudi Taluk Police Station in Crime No.31 of 2015 under Sections 379 and 430 of I.P.C., Section 3 of TNPPDL Act and Section 21(1) of Mines and Minerals Act. 2.Nainarkovil Police Station in Crime No.21 of 2019 under Section 379 of I.P.C., and Section 21(1) of Mines and Minerals Act. 3.Nainarkovil Police Station in Crime No.253 of 2017 under Sections 147, 148, 294(b), 323, 324, 307 and 506(ii) of I.P.C. @ 147, 148, 294(b), 323, 324, 326, 307 and 506(ii) of I.P.C. 4.Nainarkovil Police Station in Crime No.173 of 2017 under Section 110(a) of Cr.P.C. 5.Nainarkovil Police Station in Crime No.19 of 2013 under Section 379 of I.P.C. r/w. Section 21(1) of Mines and Minerals Act. 6.Nainarkovil Police Station in Crime No.12 of 2011 under Section 109 of Cr.P.C. 7.Emaneshwaram Police Station in Crime No.127 of 2006 under Section 379 of I.P.C. 8.Emaneshwaram Police Station in Crime No.120 of 2006 under Sections 380 and 457 of I.P.C. 9.Paramakudi Town Police Station in Crime No.503 of 2020 under Section 21(1) of Mines and Minerals Act. 10.Nainarkovil Police Station in Crime No.149 of 2013 under Section 294(b) of I.P.C. r/w. Section 3 (1)(x) of SC/ST Act. 11.Kenikkarai Police Station in Crime No.344 of 2006 under Sections 380 and 457 of I.P.C..
	12.Paramakudi Taluk Police Station in Crime No.140 of 2006 under Sections 380 and 457 of I.P.C.

6.Since the petitioner is having previous cases and investigation is in preliminary stage, this Court is not inclined to grant bail to the petitioner.

7.Hence, this criminal original petition is dismissed.

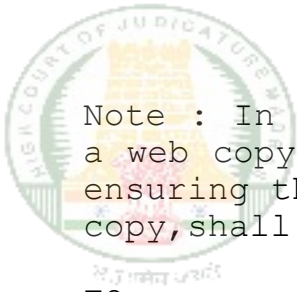
sd/-

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

WEB COPY

- 1.THE INSPECTOR OF POLICE,
NAINARKOVIL POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 2.THE OFFICER IN-CHARGE,
DISTRICT PRISON, RAMANATHAPURAM DISTRICT.
- 3.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.8794 of 2021
Date :09/07/2021
(1/3)

IAS
PK/MNR/SAR-V/14.07.2021 : 4P/4C