



WEB COPY

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

Date : 06/08/2021

PRESENT

The Hon'ble Mr.Justice B.PUGALENDHI

CRL OP(MD). Nos.10506 & 10294 of 2021

Karmegam

... Petitioner/Accused No.2
in Crl.OP(MD)No.10506 of 2021

1.Pandi
2.Lakshmanan
3.Manojkumar

... Petitioners/Accused (Rank not Known)
in Crl.OP(MD)No.10294 of 2021

Vs

The State Rep. by,
The Inspector of Police,
Nainarkovil Police Station,
Ramanathapuram District.
(Crime No.158 of 2021 in CRL OP(MD).10506/2021)
(Crime No.159 of 2021 in CRL OP(MD).10294/2021)

... Respondents/Complainants
in both petitions

In Crl.OP(MD)No.10506 of 2021

For Petitioner : Mr.Jeyakarthik, Advocate
For Respondent : Mr.T.Senthilkumar,
Government Advocate (Crl.Side)

In Crl.OP(MD)No.10294 of 2021

For Petitioners: Mr.R.Anand, Advocate
For Respondent : Mr.T.Senthilkumar,
Government Advocate (Crl.Side)

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

COMMON PRAYER :-

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

For Bail in Crime Nos.158 and 159 of 2021 on the file of the
Respondent Police.



COMMON ORDER : The Court made the following order :-

Since the complaints in Crime Nos.158 of 2021 and 159 of 2021 are lodged as counter cases, both these bail petitions are taken up together.

2. The petitioners in both petitions belong to the same village and due to some political issue, there is dispute between the groups. On the complaint of one Kalishwari, the case in Crime No.158 of 2021 was registered for the offences punishable under Sections 294(b), 341, 324, 307, 506(2) and 120B of IPC alleging that on 16.06.2021, at about 09.00 pm, the petitioner in CrI.OP(MD)No.10506 of 2021 and other accused have conspired together, attacked the husband of the defacto complainant and caused injuries on his head, chest and forearm.

3. On the next day, ie., 17.06.2021, on the complaint of one Alagu, the case in Crime No.159 of 2021 was registered for the offences punishable under Sections 147, 148, 294(b), 435, 436, 506 (2) and 120B of IPC and Sections 3 and 4 of Tamil Nadu Public Property (Prevention of Damage & Loss) Act, 1992, alleging that on 16.06.2021, at about 09.30 pm, the petitioners in CrI.OP(MD)No.10294 of 2021 and other accused had damaged the house of the defacto complainant and had set fire to the tractor, thereby, causing loss of several lakhs to the defacto complainant.

4. The learned counsel for the petitioners would submit that the petitioners are native of Pandiyur Village in Nainarkoil Taluk, Ramanathapuram and they are now confined in Central Prison, Madurai. They further submitted that the petitioners have patched up their differences and requested for grant of bail to the petitioners.

5. The learned Government Advocate(CrI.Side) opposed this petition on the ground that tension is still prevailing in the said Village. He further submitted that the victim Lenin was admitted in the Government Hospital for treatment and was discharged on 24.06.2021.

6. The petitioners in both the petitions were arrested on 17.06.2021. Considering the nature of offence and that the petitioners belong to the same Village and that now they have sorted out their differences and also the period of incarceration, this Court is inclined to grant bail to the petitioners, with a stringent condition that the petitioner in CrI.OP(MD)No.10506 of 2021 shall reside in Cuddalore District and report before the Cuddalore Old Town Police Station daily at 10.30 am, until further orders and the petitioners 1 and 2 in CrI.OP(MD)No.10294 of 2021 shall reside in Dharmapuri District and report before the Dharmapuri Town Police Station daily at 10.30 am, until further orders.



7. As far as the third petitioner/ManojKumar in CrI.OP(MD) No.10294 of 2021 is concerned, Mr.R.Anand, learned counsel would submit that he is suffering from Kidney disorder and the Doctors at Government Hospital had advised him to undergo Kidney Surgery. Therefore, the learned counsel requested that the condition with regard to Manojkumar alone shall be at Chennai. Taking into consideration the fact that Manojkumar has to undergo Kidney Surgery, he shall reside in Chennai and report before the Mount Road Police Station every Monday at 10.30 am, until further orders.

8. Accordingly, the petitioners are ordered to be released on bail on them 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 Judicial Magistrate, Paramakudi Ramanathapuram District and on further conditions that:

[a] 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 shall not abscond either during investigation or trial.

[c] the petitioners shall not tamper with the evidence or witness either during investigation or trial.

[d] 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]**.

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

sd/-
06/08/2021

/ TRUE COPY /

/ /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.

3. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

4. THE OFFICER-INCHARGE,
DISTRICT PRISON, RAMANATHAPURAM.

5. THE INSPECTOR OF POLICE,
NAINARKOIL POLICE STATION,
RAMANATHAPURAM DISTRICT.

6. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

7. THE INSPECTOR OF POLICE,
CUDDALORE OLD TOWN POLICE STATION,
CUDDALORE DISTRICT.

8. THE INSPECTOR OF POLICE,
DHARMAPURI TOWN POLICE STATION,
DHARMAPURI DISTRICT.

9. THE INSPECTOR OF POLICE,
MOUNT ROAD POLICE STATION,
CHENNAI.

+1 CC to M/S.JEYAKARTHIK, Advocate (SR-5171[I] dated 06/08/2021)

ORDER

IN

CRL OP (MD) No.10506 of 2021

Date :06/08/2021

mbi

USK/PN/SAR-II : 06/08/2021 : 4P/11C

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