



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 24/08/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.12046 of 2021

1.S.Muthuvairavan
2.M.Madhusudhanan

... Petitioners/Accused 1 and 2

Vs

The State rep.by,
The Inspector of Police,
Peravurani Police Station,
Pattukottai, Thanjavur District
Crime No.673 of 2021.

... Respondent/Complainant

For Petitioners : Mr.C.S.Mariappan, Advocate.
For Mr.S.Ramsundarvijayraj, Advocate.
For Respondent : Mr.T.Senthilkumar,
Government Advocate (Crl.Side)

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

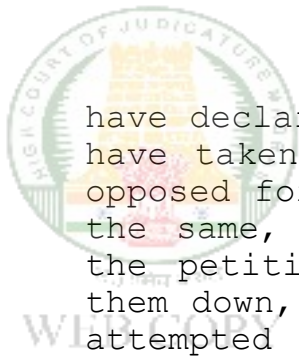
PRAYER :-For Bail in Crime No.673 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 & A2, who were arrested on 07.08.2021 for the offence under Sections 294(b), 341, 354, 353, 323, 427, 506(ii) @ 307 I.P.C, in Cr.No.673 of 2021 on the file of the respondent police, seek bail.

2. According to the prosecution, the defacto complainant is a Village Administrative Officer. For construction of a Government hostel, when the Revenue Officials went to the place comprised in S.Nos.57/10 and 57/11, the petitioners, who are running a coir factory, have quarrelled with the Revenue Officials, abused them in filthy language, threatened them with dire consequences, damaged the cell phone of the defacto complainant worth about Rs.25,000/- and also caused injury to the others. Hence, the case.

3. The learned counsel appearing for the petitioners submitted that the petitioners are running a coir factory, which was objected to by some third parties. Therefore, the petitioners have filed a suit in O.S.No.13 of 2017 before the learned District Munsif, <https://hcservices.hcscs.gov.in/hcservices/> the same is pending. Pending suit, the officials



have declared that the said place is a Government poramboke land and have taken steps to remove the encroachments. The petitioners have opposed for the same by referring the pendency of the suit. Despite the same, the officials proceeded to remove the encroachments and the petitioners and other villagers, out of emotion, have pushed them down, for which, the complaint has been lodged as if they have attempted to murder the officials. He would further submit that no one is injured in this case. The learned counsel also stated that he has advised his clients not to interfere with the functioning of the Government Officials till they obtain any orders in the civil suit. He further submitted that the petitioners are willing to tender their apologies to the Officials concerned. That apart, to rectify their mistakes, they are also ready to donate a water purifier to the Taluk Office concerned, without prejudice to their case. He further submitted that the petitioners are in judicial custody from 07.08.2021 and hence, they may be granted bail.

4. The learned Government Advocate (Crl.side) appearing for the respondent police would submit that when the officials have attempted to remove the encroachments, the petitioners have objected them, manhandled them and also caused damage to the defacto complainant's cell phone. He would further submit that no one is injured in this case.

5. Considering the facts and circumstances of the case, the fact that a civil suit is pending and out of frustration, the petitioners have committed the offence and considering the fact that they have now realized their mistake and are ready to tender their apologies to the officials concerned and their willingness to donate a water purifier to the Taluk Office concerned and also the period of incarceration, this Court is inclined to grant bail to the petitioners.

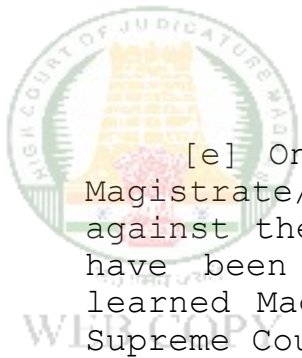
6. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Pattukkottai and on further conditions that:

[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 appear before the respondent police daily at 10.30 a.m. until further orders.

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

[d] the petitioners 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 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]**.

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

sd/-

24/08/2021

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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,
PATTUKOTTAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
PERAVURANI POLICE STATION, PATTUKOTTAI,
THANJAVUR DISTRICT.
- 4 THE OFFICER INCHARGE,
PAPANASAM PRISON, THANJAVUR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to MR.S.RAMSUNDARVIJAYRAJ, Advocate (SR-5628[I] dated 24/08/2021)

ORDER

IN

CRL OP(MD) No.12046 of 2021

Date :24/08/2021

MSA

MK/JM/SAR.III/24.08.2021/3P/7C

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