



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
RESERVED ON : 24/11/2021

PRONOUNCED ON : 26/11/2021

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD)Nos.17921, 18066, 18290 and 18296 of 2021

1. Jeyaraj (A1)	
2. Saravanan (A6)	
S/o, Shankar	
3. Saravanan (A7)	
S/o, Ponnambalam	
4. Thangaraj @ Thangarasu (A8)	... Petitioners No.1 to 4/ Accused No.1, 6 to 8
5. Thanapal	
6. Saravanan	
S/o, Sevi	... Petitioners No.5 &6 / Accused Rank Not Known

1. C.Mallan	
2. P.Saravanan	
3. T.Saminathan	
4. K.Ramaraj	
5. T.Saravanan	
6. T.Vignesh	... Petitioners/Accused 9 to 14 in Crl.O.P. (MD)No.18066 of 2021

Selvakumar	... Petitioner/Accused No.19 in Crl.O.P. (MD)No.18290 of 2021
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K.Ramachandran	... Petitioner/Unnamed Accused in Crl.O.P. (MD)No.18296 of 2021
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Vs.

The State rep.by, The Inspector of Police, Thottiyam Polcie Station, Trichy Dsitric. (Crime No. 353 of 2021)	... Respondent/Complainant in all Crl.O.Ps
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For Petitioner : MR.D.S.Haroon Rasheed,
Advocate.(IN CRL OP(MD)No.17921 of 2021)

For Petitioner : MR.K.ARUNRAJ,
Advocate.(IN CRL OP(MD)No.18290 of 2021)

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



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For Petitioner : MR.B.VINOTH KUMAR,
Advocate.(IN CRL OP(MD)No.18296 & 18066 of 2021)
For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor
in all the petitions

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

COMMON PRAYER :-For Bail in Crime No.353 of 2021 on the file of the respondent police.

COMMON ORDER : The Court made the following order :-

The petitioners/Accused who were arrested and remanded to judicial custody on 05.11.2021, 04.11.2021, 07.11.2021 and 07.11.2021 respectively for the offence punishable under Sections 147, 148, 294(b), 353, 506(2) I.P.C., and Section 3(1) of Tamil Nadu Public Property (Prevention of Damage & Loss) Act in Crime No.353 of 2021, on the file respondent police, seek bail.

2. The case of the prosecution is that on 04.11.2021, on coming to know that there was a clash between Hindu Muthuraja Community and Hindu Kurumba Goundar Community at Kolakudi Village, a police team was deputed, that the police team, after reaching the village at 04.00p.m., were making enquiry, that the petitioners and other accused, at that time, had blocked the road, blasted crackers and pelted stones at the TATA Grande Highway Patrol vehicle No.10 bearing registration No.TN-45-G-1348 and damaged the front and back glasses of the vehicle and that they have abused the Government servants and prevented them from doing their duty. Hence, the present complaint.

3. The learned Counsel for the petitioners would submit that the Village Administrative Officer of Kolakudi Village lodged a complaint and on that basis, a F.I.R., came to be registered in Cr.No.352 of 2021 and that the Village Administrative Officer has specifically stated that the people of Muthiraiyar Community were responsible for the occurrence and that the respondent police, without considering the origin of the occurrence, has registered cases against the member of Kurumba Gounder Community and that the petitioners were falsely implicated in the above case.

4. The learned Additional Public Prosecutor appearing for the State would submit that due to a communal clash between two groups, both the groups pelted stones and thereby caused damages to the Government vehicle. He would further submit that the investigation in this case is not yet completed.

5. Heard the learned Counsel for the petitioners and the learned Additional Public Prosecutor appearing for the State and

<https://hcservices.courts.tn.nic.in/hcservices/>



6. It is evident from the records that for the occurrences held on 04.11.2021, the present case in Cr.No.353 of 2021 and some other cases including Cr.Nos.352 and 354 of 2021 came to be registered. It is pertinent to mention that the alleged offences are not against the private individuals, but against the Law and Order enforcement Officials, who are specially deployed to prevent any untoward incidents. The petitioners had allegedly blocked the road and blasted crackers and thereafter, they had abused the officials and pelted stones at the patrol vehicle and damaged the same to the tune of Rs.30,000/-. Such incidents cannot be viewed lightly.

7. The learned Additional Public Prosecutor appearing for the State would submit that the petitioners are in judicial custody from 05.11.2021, 04.11.2021, 07.11.2021 and 07.11.2021 respectively and that they are not having any previous cases for similar offences or for any other serious offences.

8. Considering the facts and circumstances and considering the facts that the petitioners are under judicial custody from 05.11.2021, 04.11.2021, 07.11.2021 and 07.11.2021 respectively and that the petitioners are not having any previous cases as stated by the learned Additional Public Prosecutor, this Court is inclined to grant bail to the petitioners with certain conditions:

9. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Musiri, Trichy District and on further conditions that;

(i) the petitioners shall deposit a sum of **Rs.5,000/- (Rupees Five Thousand only) each to the credit of Government of Tamil Nadu, Chief Minister Public Relief Fund (CMPRF) in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172), without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties.**

(ii) 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.

(iii) the petitioners shall report **before the Thuraiyur police station** daily at 10.30 a.m for a period of one month, thereafter, as and when required.

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



v) the petitioners shall not abscond during trial.

vi) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner 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].

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

sd/-

26/11/2021

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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,
MUSIRI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
- 4 THE OFFICER INCHARGE,
DISTRICT PRISON, PUDUKKOTTAI.
- 5 THE INSPECTOR OF POLICE
THOTTIYAM POLICE STATION, TRICHY DISTRICT.
- 6 THE OFFICER INCHARGE,
SUB JAIL, KULITHALAI, KARUR DISTRICT.

COPY TO:

- 1 THE INSPECTOR OF POLICE,
THURAIYUR POLICE STATION,
THURAIYUR.
- 2 THE OFFICER INCHARGE,
GOVERNMENT OF TAMIL NADU,
CHIEF MINISTER PUBLIC RELIEF FUND IN IOB,
SECRETARIAT BRANCH, CHENNAI-9.

ORDER IN
CRL OP (MD) Nos. 17921, 18066,
18290 and 18296 of 2021
Date : 26/11/2021