



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Third day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH

CRIMINAL ORIGINAL PETITION No.11806, 11855 & 12198 of 2022

1 RAMAR [PETITIONER / ACCUSED
2 RAJENDRAN IN CRL.O.P.NO.11806/2022]

RUKMANI [PETITIONER / ACCUSED
IN CRL.O.P.NO.11855/2022]

1 VENKATACHALAM [PETITIONER / ACCUSED
2 THIYAGARAJAN IN CRL.O.P.NO.12198/2022]
3 SIVAKUMAR
4 SRINIVASAN
5 RAYAPPAN
6 CHINNDURAI

Vs

STATE REP BY [RESPONDENT IN ALL THE PETITIONS]
THE INSPECTOR OF POLICE,
THALAIVASAL POLICE STATION,
THALAIVASAL, SALEM DISTRICT.
CRIME NO.86/2022.

For Petitioner : M/S.M.ELIYARAJA Advocate [CRL.O.P.NO.11806/2022]

For Petitioner : M/S.T.MURUGANANTHAM, Advocate
[CRL.O.P.NO.11855/2022]

For Petitioner : M/S.M.D.THIRUNAVUKKARASU, Advocate
[CRL.O.P.NO.12198/2022]

For Respondent : M/S.E.RAJ THILAK, Additional Public Prosecutor
[IN ALL THE PETITIONS]

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-



The petitioners in Crl.O.P.No.11806 of 2022, who were arrested and remanded to judicial custody on 01.03.2022 for the alleged offences under Sections 147, 148, 448, 294(b), 380, 379, 302 and 120B of IPC r/w. Section 3(1) of Prevention of Damage to Public Property Act 1984, in Crime No.86 of 2022 on the file of the respondent police, seek bail.

2. The petitioner in Crl.O.P.No.11855 of 2022, who was arrested and remanded to judicial custody on 02.03.2022 for the alleged offences under Sections 147, 148, 448, 294(b), 380, 379, 302 and 120 (B) of IPC and Section 3 of TNPPDL Act in Crime No.86 of 2022 on the file of the respondent police, seeks bail.

3. The petitioners in Crl.O.P.No.12198 of 2022, who were arrested and remanded to judicial custody on 03.03.2022 for the offence under Sections 147, 447 and 506(1) of IPC and Section 3(1) of Prevention of Damage to Public Property Act in Crime No.86 of 2022 on the file of the respondent police, seek bail.

4. The case of the prosecution is that A1 entered into an agreement of sale with the defacto complainant and his sister who is the deceased in this case. They agreed for a sale of property for total sale consideration of Rs.82 lakhs and pursuant to the agreement, an advance of Rs.21 lakhs was also paid by A1. The further case of the prosecution is that A1 was not coming forward to fulfill his part of the contract and hence the defacto complainant and his sister refused to execute a sale deed in favour of A1. This became a cause of action for a dispute among the parties and the accused persons are said to have entered into the property of the defacto complainant and abused him in filthy language and threatened him and had also caused destruction of property. As a sequel to the same, the sister of the defacto complainant is said to have been attacked by the accused persons and resulted in her death. There are totally 11 accused persons in this case and the petitioner in Crl.O.P.No.11855 of 2022 has been arrayed as A10 and the petitioners in Crl.O.P.No.11806 of 2022 have been arrayed as A2 and A4 and the petitioners 1 to 3 in Crl.O.P.No.12198 of 2022 have been arrayed as A1, A7 and A9 and other petitioners have not been given any rank in this case.

5. Learned Additional Public Prosecutor vehemently opposed the grant of bail to the petitioners since the sister of the defacto complainant was attacked with an iron rod by A1 on the head, with a wooden log by A7 and A9 on the back of the deceased, which resulted in her death. The learned Additional Public Prosecutor further submitted that all the accused persons came to the scene of occurrence only with an intention to commit a crime and if at all the accused persons were aggrieved by the defacto complainant and his sister in not executing the sale deed in favour of A1, they should



have approached the Civil Court but they have taken law into their own hands. The learned Additional Public Prosecutor further submitted that tension is prevailing in the locality and if the petitioners are granted bail at this time, it may result in more violence and hence the learned Additional Public Prosecutor sought for dismissal of these bail petitions.

6. Per contra the learned counsel appearing on behalf of the petitioners submitted that there was a civil dispute between the parties and the petitioners had only gone to meet the defacto complainant and his family members for an amicable settlement, whereas they were abused by the defacto complainant and his family members by using unparliamentary language. This was the spark for the entire dispute and unfortunately the petitioners have been falsely roped in this case. The learned counsel for the petitioners further submitted that the deceased was not attacked in the manner in which the prosecution has tried to project and she actually fell down during the mellee and sustained injuries and subsequently she died while taking treatment. It was further submitted that the petitioners do not have any bad antecedents and they have also suffered incarceration for nearly 84 days.

7. Taking into consideration of the facts and circumstances and also of the fact that the civil dispute unnecessarily ended in a criminal case in the spur of the moment and there are no previous cases against the petitioners and the petitioners have already suffered incarceration for nearly 84 days, this Court is inclined to enlarge the petitioners on bail subject to stringent conditions.

8. Accordingly, the petitioners are ordered to be released on bail on each of them executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Attur, Salem 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 stay at Trichy and shall report before the Trichy Town Hall Police Station daily at 10.30 a.m, and 5.30 p.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]**.

WEB COPY

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

-sd/-

23/05/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, ATTUR, SALEM DISTRICT.

2 THE JUDICIAL MAGISTRATE,
ATTUR, SALEM DISTRICT.

3 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
THALAIVASAL POLICE STATION,
THALAIVASAL, SALEM DISTRICT.

6 THE OFFICER INCHARGE
TRICHY TOWN HALL POLICE STATION,
TRICHY.

7 THE SUPERINTENDENT,
CENTRAL JAIL, SALEM DISTRICT.

8 THE SUPERINTENDENT,
CENTRAL PRISON FOR WOMEN, SALEM.

9 THE OFFICER INCHARGE
SUB JAIL, THIRUCHENKODU.



10 THE OFFICER INCHARGE
SUB JAIL, SALEM.

+2 CC to M/S.M.ELIYARAJA Advocate on payment of necessary
charges SR.NO.7743

+1 CC to M/S.T.MURUGANANTHAM, Advocate on payment of necessary
charges SR.NO.7781

+1 CC to M/S.M.D.THIRUNAVUKKARASU, Advocate on payment of
necessary charges SR.NO.7749

CRL OP.11806, 11855 & 12198/2022

Date :23/05/2022

TA-23/05/2022