



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Wednesday, the Twenty Fifth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice M.NIRMAL KUMAR

CRIMINAL ORIGINAL PETITION NOS.12145,12149,12153 & 12159 of 2022

1 MAYILVEL @ POOCHI [PETITIONERS / ACCUSED
2 MURALI @ KARIYAN IN CRL.OP.NO.12145/2022]

VIJAYAKUMAR [PETITIONER / ACCUSED
IN CRL.OP.NO.12149/2022]

SURESH [PETITIONER / ACCUSED
IN CRL.OP.NO.12153/2022]

1 J.NAGENDIRAN [PETITIONERS / ACCUSED
2 ANBUMANI IN CRL.OP.NO.12159/2022]

Vs

STATE REP BY [RESPONDENT/COMPLAINANT
THE INSPECTOR OF POLICE, [IN CRL.OP.NOS.12145,12149&12153/2022]
KPR DAM POLICE STATION,
KRISHNAGIRI DISTRICT.
(CRIME NO.20/2022)

STATE REP BY [RESPONDENT/COMPLAINANT
THE INSPECTOR OF POLICE, IN CRL.OP.NO.12159/2022]
KRP DAM POLICE STATION,
KRISHNAGIRI DISTRICT.
(CRIME NO.20/2022)

For Petitioner : MR.R.THIRUMOORTHY FOR M/S.S.MEYAPPAN Advocate
[IN CRL.OP.NOS.12145,12149&12153/2022]

: MR.M.P.SARAVANAN, Advocate
[IN CRL.OP.NO.12159/2022]



For Respondent : MR.A.DAMODARAN, Additional Public Prosecutor
[IN ALL THE PETITIONS]

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PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners in CrI.O.P.No. 12145 of 2022 were arrested and remanded to judicial custody on 15.03.2022 and the petitioners in CrI.O.P.Nos.12149, 12153 and 12159 of 2022 were arrested and remanded to judicial custody on 21.03.2022 for the alleged offence under Sections 147, 148, 294(b), 323, 324, 342, 355, 363, 307, 506(ii), 392 of I.P.C. in Crime No.20 of 2022 on the file of the respondent police respectively, seek bail.

2. The contention of the petitioners is that the petitioners are falsely implicated in this case. The defacto complainant Arjunan and A1 in this case are friends. On coming to know that the defacto complainant had smuggled tobacco products from Karnataka, the petitioners along with A1 said to have taken defacto complainant along with tobacco products to the isolated place and assaulted and also abused him, thereupon, they have taken the tobacco products.

3. The further contention of the petitioners is that it is a foisted case against petitioners. Against the defacto complainant, a case in crime No.71 of 2022 was registered on 18.03.2022 by the Burgur Police Station for offences under Sections 328 I.P.C. Sec.7, 20(1) of Cigarette and other Tobacco Products Act, 2003 and Sec.52, 59 of Food Safety and Standards Act, 2006. The occurrence said to have taken place on 15.03.2022. He further submitted that the Sessions Court granted bail to A2, A3 and A5 finding that the defacto complainant himself was arrested in Gutkha with a direction that the petitioner shall appear before the concerned police station on 1st working day of every month at 10.00 a.m. (monthly once) till further orders.

4. Learned Additional Public Prosecutor would submit that the defacto complainant lodged a complaint stating that from the year 2019, the defacto complainant was doing transport business in a Eicher lorry and during his detention in Vellore prison, he came in contact with one Kumar and thereafter, the said Kumar contacted the defacto complainant and informed that Mahendra vehicle carrying gutkha was hijacked and he wanted to verify whether the defacto complainant was involved in it and he was called for the same. Thereafter, he was kidnapped and taken to a farm and thereupon, he was brutally assaulted and his mobile phone was snatched and the vehicle carrying gutkha was found. Thereafter, they had sold the same and enjoyed the proceedings. The defacto complainant was forcibly



pictured in his mobile phone as though he was instrumental in hijacking gutkha vehicle and also taken away the gutkha vehicle and further obtained signature in blank stamp papers. Hence, he lodged a complaint. It is well organised crime with group of persons, which needs further investigation. Hence, he opposed to grant bail to the petitioners.

5. Taking into consideration of the above facts and circumstances and also considering the antecedents of defacto complainant, subsequent case filed in the Burgur Police Station, this Court is inclined to grant bail to the petitioners subject to following conditions.

6. Accordingly, the petitioners in Crl.O.P.Nos.12145, 12149 and 12153 of 2022 are ordered to be released on bail on their executing separate 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 No.I, Krishnagiri and the petitioners in Crl.O.P.No.12159 of 2022 are ordered to be released on bail on their executing separate 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 No.II, Krishnagiri 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 and sign before the concerned police station on 1st working day of every month at 10.00 a.m. (monthly once) till 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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-sd/-
25/05/2022

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.I, KRISHNAGIRI.

2 THE CHIEF JUDICIAL MAGISTRATE
NO.II, KRISHNAGIRI.

3 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI DISTRICT [FOR INFORMATION]

4 THE INSPECTOR OF POLICE,
KPR DAM POLICE STATION,
KRISHNAGIRI DISTRICT.

5 THE INSPECTOR OF POLICE,
KRP DAM POLICE STATION,
KRISHNAGIRI DISTRICT.

6 THE OFFICER INCHARGE,
SUB JAIL, HOSUR.

7 THE OFFICER INCHARGE,
SUB JAIL, KRISHNAGIRI.

8 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

9 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



10 THE OFFICER INCHARGE
BURGUR POLICE STATION,
BURGUR, KRISHNAGIRI DISTRICT.

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+1CC to M/S.THIRUMOORTHY Advocate on payment of necessary
charges SR.No.7825

+1CC to M/S.M.P.SARAVANAN Advocate on payment of necessary
charges SR.No.7822

CRL OP.NOs.12145,12149,12153&12159/2022

Date :25/05/2022

CSK 26/05/2022