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CRL.O.P.Nos.20155 & 20156 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2022

CORAM:

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

CRL.O.P.Nos.20155 & 20156 of 2022

- 1.Sivalingam
- 2.Arumugam
- 3.Mouna Guru @ Mouna guruparan
- 4.Mani ... Petitioners in Crl.O.P.No.20155 of 2022
- 5.K.P.Ramalingam ... Petitioner in Crl.O.P.No.20156 of 2022

Versus

State Rep By,
The Inspector of Police,
Paparapatti Police Station,
Dharmapuri District.
(Cr.No.146 of 2022). ... Respondent in both petitions

COMMON PRAYER: Criminal Original Petitions filed under Section 439 of the Code of Criminal Procedure, to enlarge the petitioners on bail, in Cr.No.146 of 2022 pending investigation on the file of the respondent.

In both petitions:

For Petitioner : Mr.R.C.Paul Kanagaraj

For Respondent : Mr.E.Raj Thilak,
Additional Public Prosecutor



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COMMON ORDER

The petitioners, who were arrested and remanded to judicial custody on 15.08.2022 for offence punishable under Sections 143, 149, 427, 447 of IPC altered to 143, 149, 447, 295, 353 of IPC and Section 3(1) of TNPPDL Act in Crime No.146 of 2022 on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 11.08.2022, at about 04.00 p.m., the petitioners along with other accused, who are all office bearers of BJP party, trespassed into Thiagi Subramaniya Siva Manimandapam and asked the defacto complainant, a watchmen, to open the gate of Bharatha Madha Memorial, for which, the defacto complainant has stated that permission to be obtained from the concerned authorities and refused to open the gate. Despite the same, the petitioners and others broke open the gate with stone and garlanded the statue and went away. Hence, the complaint.

3.Mr.R.C.Paul Kanagaraj, learned counsel appearing for the



petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Due to political motive, they were implicated in this case. He would further submit that the petitioner in Crl.O.P.No.20156 of 2022 is aged about 69 years, he has to undergo coronary angiography as per advice of the Doctor. Hence, he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that the petitioners are A1, A2, A5, A9 and A11. The petitioners along with others broke open the gate of Bharatha Madha Memorial with stone and garlanded the statue and went away, despite the defacto complainant asked the petitioners to get permission from the concerned authority. Hence, he opposed for grant of bail.

5.The only allegation against the petitioners that they broke open the gate, where the statue of Bharatha Madha is available and thereby caused the damage. Considering the nature of allegation and also the



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period of incarceration by the petitioners from the date of their arrest i.e. 15.08.2022, 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, Pennagaram, 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 in CrI.O.P.No.20155 of 2022 shall appear before the learned Judicial Magistrate, Pennagaram daily at 10.30 a.m., until further orders. The petitioner in CrI.O.P.No.20156 of 2022 shall appear before the learned Judicial Magistrate, Pennagaram on every Monday at 10.30 a.m., until further orders. In the event that the petitioner in CrI.O.P.No.20156 of 2022 is produced any medical records, the learned Judicial Magistrate, Pennagaram can modify the condition.

[c] the petitioners shall not abscond either during investigation or



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trial.

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[d] the petitioners shall not tamper with evidence or witness 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 229A IPC.

7.These Criminal Original Petitions are ordered accordingly.

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Index: Yes/No

Internet: Yes/No

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N.SATHISH KUMAR, J.

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To

- 1.The Superintendent,
Central Prison, Salem.
- 2.The Judicial Magistrate Court,
Pennagaram.
- 3.The Inspector of Police,
Paparapatti Police Station,
Dharmapuri District.
- 4.The Public Prosecutor,
High Court, Madras.

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