



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Dated: 01/07/2022

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

Crl.OP(MD)No.11700 of 2022

WEB COPY

1.M.Pon Sathish Kumar @ Sathis Kumar
2.S.K.Palanichamy
3.M.Arumugham
4.C.Chelladurai
5.D.Loganathan
6.K.Manivel

... Petitioner/Accused Nos.8,9,1,14
for 1 to 4 petitioners and 5th &
6th Petitioners Rank Not Known

Vs.

State Rep.by
The Inspector of Police,
Keeranur Police Station,
Dindigul District.
(Crime No.109 of 2022)

... Respondent/Complainant

For Petitioners : Mr.V.Kathirvelu, Senior counsel
for Mr.Ananth C.Rajesh, Advocate
For Respondent : Mr.P.Kottai Chamy
Government Advocate (Criminal side)

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

PRAYER :-

For Bail in Crime No.109 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order:-

The petitioners 1 to 4/A8, A9, A11 and A14 and the petitioners 5 and 6, who are arrayed as accused were arrested, on 22/06/2022 and remanded to judicial for the alleged offences punishable under sections 143, 294(b), 353, 448 and 506(ii) IPC and section 4 of TNPPDL Act and section 4 of Women Harassment Act, in Crime No.109 of 2022 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the accused persons assembled unlawfully in front of the BDO office, Thoppampatti Union and trespassed into the office, threatened the de-facto complainant with dire consequences by breaking open the barricade, which was put up by the police officials in the form of iron barricade. On the basis of the complaint given by the concerned BDO, the case has been registered. The petitioners have been arrested, on 22/06/2022 and



remanded to judicial custody. Seeking bail, this petition came to be filed by the petitioners.

3. Heard both sides.

4. This is the case, where the petitioners by their own violence, have killed their own cause.

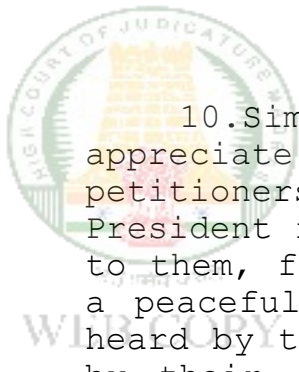
5. The learned Senior counsel appearing for the petitioners would submit that there was a genuine demand by the petitioners, who belong to a political party, not to take any action against President of Pushpathoor Panchayat by name Mrs. Selvarani Mahudeeswaran, who got good name among the public. But the Government officials trying to put their spokes in her activities and discharging her duty. That was done at the instigation of the ruling party. To protest against such an illegal activity on the side of the Government officials, they staged a peaceful protest and nothing, as mentioned in the FIR, took place.

6. At the conclusion of the argument, a counsel, who was present in the court, who has filed anticipatory bail on behalf of the co-accused sought to intervene and contend that on the date of the alleged protest and demonstration, all the protestors were taken to a Kalyanamandapam and retained there till the evening and let off without registering any case. But all of a sudden, at the dead end of the night, a false case has been registered at the intervention or instigation of the ruling party.

7. But the learned Government Advocate (Criminal side) appearing for the respondent/State would submit that it is a clear case of unlawful assembly, rioting, causing damage to the public property and threatening the Government officials with dire consequence. For which he has also produced the photographs, which were taken during the course of the above said occurrence. The photographs show that the protestors, who are the petitioners herein and others, did not demonstrate in a peaceful manner and they scaled the compound wall and gate of the BDO office, forcibly entered into the office and alleged to have threatened the Government Official with dire consequences.

8. When this photograph was shown to the learned Senior counsel appearing for the petitioners, he has replied that some of the protestors have done this, for which neither the petitioners nor the other persons can be held responsible.

9. But I am unable to agree with this line of argument. It is a case of rioting and unlawful assembly. Therefore, each member of the unlawful assembly is responsible for the crime committed by a member. So, this ground is not available to the petitioners.



10. Similarly, this court is also not in a position to appreciate the activities of the petitioners. According to the petitioners, they tried to protect the efficient and good Panchayat President for continuing her good work. This is the cause, according to them, for which have made protest and demonstration. Had it been a peaceful protest and demonstration, their cause would have been heard by the Government Officials. They have killed their own cause by their own violence. Threatening the Government officials with dire consequences and prevented them from discharging their duty cannot be lightly taken.

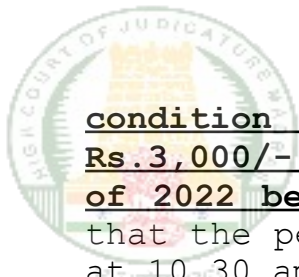
11. But the facts remain that the petitioners had no personal interest in this issue. They wanted to protect a good Panchayat President, as she fought against the issue legally by filing a petition before this court in WP(MD)No.7211 of 2022. This court has directed the authorities to follow the procedures contemplated under section 205(2) of the Tamil Nadu Panchayat Act, 1994 from the stage of section 205(3) of the Act.

12. As mentioned earlier, the date of the order is 20/05/2022. But in the next month, it appears that the petitioners wanted to file the same by violence in the BDO office. So, at no stretch of imagination, this sort of illegal violence and activities can be justified. But as mentioned earlier, these petitioners had no personal interest and they are in custody for more than 10 days, continuation of the judicial custody is not going to serve any purpose.

13. Perusal of the CD file shows that most part of the investigation is also over. Even though, some of the accused persons are at large and some of the accused persons filed anticipatory bail petition before this court, suffice to say that this case has taught lesson to the petitioners that violence will take them nowhere except the criminal prosecution.

14. Perusal of the list shows that most of the cases have been registered for violating the prohibitory orders. Since these persons are political functionaries registering of such cases are normal and usual and they need not be taken into account to say that these petitioners are habitual offenders. Since the property worth about 3,000/- alleged to have been damaged, each of the petitioners must deposit a sum of Rs.3,000/- to the credit of the crime number before the trial court.

15. So for the reasons stated above, this court is inclined to grant bail to the petitioners with certain conditions. 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 Judicial Magistrate, Palani, Dindigul District and on further



condition that each of the petitioners shall deposit a
Rs.3,000/- Rupees Three thousand only) to the credit of crime No.109
of 2022 before concerned Magistrate court and on further condition
that the petitioners shall report before the respondent police daily
at 10.30 am until further orders.

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sd/-
01/07/2022

/ TRUE COPY /

01/07/2022

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, PALANI, DINDIGUL DISTRICT.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL DISTRICT.
 - 3 THE INSPECTOR OF POLICE, KEERANUR POLICE STATION,
DINDIGUL DISTRICT.
 - 4 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.ANANTH C.RAJESH, Advocate (SR-6468[I] dated 01/07/2022)

ORDER
IN
CRL OP(MD) No.11700 of 2022
Date :01/07/2022

RS/PN/SAR.1 (01.07.2022) 4P-7C