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CRL OP(MD). A



22

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

Date : 04/07/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.11802 of 2022

1. Senthil

2. Kaliyappan

3. Shanmugam @ Pandiyan

... Petitioners/Accused No.1,2 & 4

Vs

The State rep.by,
The Inspector of Police,
Vaiyampatti Police Station,
Trichy District.
(Crime No.213 of 2022)

... Respondent/Complainant

For Petitioners: MR.C.Ezhilarasu,
Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

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

PRAYER :-For Bail in Crime No.213 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A1, A2 and A4 herein, who were arrested on 18.06.2022 for the alleged offence under Sections 147, 148, 294(b), 341, 324, 336, 427, 506(i) and 307 of IPC, in Crime No.213 of 2022 on the file of the respondent police, seek bail.

2.The case of the prosecution is that in respect of the temple festival celebration, there was enmity between two groups of people. In pursuance of the above said enmity, on the date of occurrence, namely, on 17.06.2022, at about 06.00 p.m, the defacto complainant party were alleged to have waylaid by the accused persons and caused

<https://www.mca.gov.in/>



video graphed by the other witness, he was also assaulted. 1 complaint.

3.The learned counsel for the petitioner submitted that the petitioners are innocent persons and they were falsely implicated in this case. He further submitted that the petitioner was arrested and remanded to judicial custody on 18.06.2022. Ever since, they are in custody. He further submitted that it is a case and case in counter. Upon the complaint given by the second petitioner, a case in Crime No.212 of 2022 for the offences under Sections 147, 148, 341, 294 (b), 323, 506(i) of IPC, 3(1)(r), 3((1)(s) and 3(2)(va) of SC/ST (Prevention of Atrocities) Amendment Act, 2015 was registered. He further submitted that only these petitioners have been insulted and abused by calling their caste name and caused severe attack. When the villagers tried to catch the accused, they fled away from the place of occurrence by leaving all their vehicles. According to him, the defacto complainant party are the aggressor.

4.Who are aggressor is a matter for trial or investigation. It is seen that there was severe damage to the two wheelers.

5.The learned Government Advocate (Crl.Side) submitted that the accused person caused damage to the two wheelers worth about Rs.1.5 lakh.

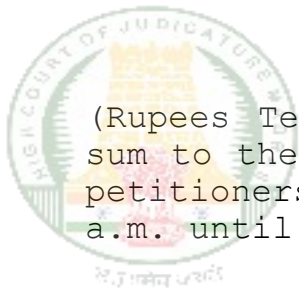
6.At this juncture, the learned counsel for the petitioners submitted that they are ready to pay a sum of Rs.20,000/- (Rupees Twenty Thousand only) each to the credit of Cr.No.213 of 2022 before the trial Court concerned.

7.The learned Government Advocate (Crl.Side) submitted that it is a case and case in counter and co-accused enlarged on bail by the concerned Court and now, peace is prevailing in that area.

8.Considering the duration of incarceration and also considering the fact that it is a case and case in counter, co-accused already released on bail by the concerned Court and the petitioners willing to pay a sum of Rs.20,000/- (Rupees Twenty Thousand only) to the credit of Crime Number, this Court is inclined to grant bail to the petitioners.

9. Accordingly, this Criminal Original Petition is allowed on condition that the petitioners shall deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) to the credit of Cr.No.213 of 2022 before the trial Court concerned, without prejudice to their rights and contentions before the trial Court.

10.On such deposit being made, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate, Manapparai, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/-



(Rupees Ten Thousand only) each with two sureties each for the sum to the satisfaction of the learned Magistrate concerned and the petitioners shall appear before the respondent police daily at 10.30 a.m. until further orders.

sd/-

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE
MANAPPARAI.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY..

4 THE INSPECTOR OF POLICE
VAIYAMPATTI POLICE STATION, TRICHY DISTRICT

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to MR.C.EZHILARASU, Advocate (SR-6494[I] dated 04/07/2022)

ORDER

IN

CRL OP(MD) No.11802 of 2022

Date :04/07/2022

DSS

MK/VR/SAR.II/04.07.2022/3P/7C