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

Dated: 11/07/2022

PRESENT

The Hon'ble Mr.Justice **G.ILANGOVAN**

Crl.OP(MD)No.12425 of 2022

Suriya Siva : Petitioner/A1

Vs.

The State,
Rep. By Inspector of Police,
Cantonment Police Station,
Trichy City.
(Crime No.1042 of 2022) : Respondent/Complainant

For Petitioner : Mr.G.Thalaimutharasu

For Respondent : Mr.Thanga Aravindh.B
Government Advocate
(Criminal side)

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

PRAYER :-

C-38B. For Bail in Crime No.1042 of 2022 on the file
of the Respondent Police.

ORDER : The Court made the following order:-



The petitioner, who is arrayed as A1 was arrested, on 23/06/2022 and remanded to judicial custody for the alleged offences punishable under sections 294(B), 506(i), 385 and 395 IPC, in Crime No.1042 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the de-facto complainant lodged a complaint stating that, on 11/06/2022 at about 11.00 am, the bus, which belongs to their travels agency was driven by its driver, caused accident by hitting against one Toyota Fortuner car bearing registration No.TN-45-CA-6666. So, the accident was intimated to the police. There was a compromise between them with the issue, by which the de-facto complainant agreed to bear the expenses for repairing the car deducting the insurance claim amount. On 10/06/2022 at about 11.00 pm, Suriya, S/o.Siva came to the Central Bus Stand along with his men and forcibly off loaded the passengers in the bus bearing registration No.NL-01-B-0984 and forcibly took away the vehicle stating that unless Rs.5,00,000/- is paid, the bus will not be returned. On the basis of the information given by the driver, the case has been registered.



3. Seeking bail this petition has been filed by the petitioner, who is A1.

4. Heard both sides.

5. The co-accused have moved anticipatory bail petitions before this court in CrI.OP(MD)Nos.11869 and 12069 of 2022 an observation has been made by this court in the above said petitions in para 6 and 7, which are relevant to extract hereunder:-

"6. Today the respondent police official is also present before this court. The court enquired him about the occurrence. He would submit that after the above said occurrence, A1 was taken to the police station for interrogation and at that time, the political party members to which A1 belongs, gathered in front of the police station and made a protest, Dharna and prevented the police officials from discharging their official duty. Later, they were taken to a Kalyanamandapam and there also, they created some trouble and nuisance. Later, they were let off. But however, the case was registered against the petitioners for the above said incident and for creating a law and order problem.

7. It is unfortunate to note that A1, who is involved in the above said occurrence, gathered supporting from his political party members. The support from the political party members for such nature of offence is highly condemnable



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one. On this score, this court is of the considered view that even though, these petitioners are not directly involved in the dispute between A1 and the de-facto complainant, these persons are the associates of A1."

6.This petitioner has been arrayed as A1 was arrested and remanded to judicial custody on 23/06/2022. Even though he was arrested and remanded, as stated above, trouble has been created by his party men, as noted above.

7.The learned Government Advocate (Criminal side) appearing for the respondent would submit that the manner in which, the occurrence took place must be taken into account by considering the bail application. In a broad daylight in presence of the public, the passengers have been terrified to get down from the bus and later, the bus was taken illegally. So according to him, the offence of such nature requires strict action and the petitioner should not be released on bail. He would further submit that since the petitioner is having two previous cases, which are assault cases. The manner in which, the offences said to have been taken place is highly condemnable.



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8. But however, consideration the duration of the custody of the petitioner, he is entitled for bail, since continuation of judicial custody is not going to serve any purpose. So this court is inclined to grant bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail on his 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, Trichy and on further condition that the petitioner shall report before the respondent police daily at 10.30 am until further orders.

(G I J)
11.07.2022

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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.



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To,

- 1.The Inspector of Police,
Cantonment Police Station,
Trichy City.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 3.The Central Prison,
Trichy.



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