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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 25/08/2022

PRESENT

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

Cr1.OP(MD)No.13772 of 2022

Gold Kumar @ Kumar

: Petitioner/A2

Vs.

The State Rep. By
The Inspector of Police,
Musiri Police Station,
Trichy District.
(Crime No.242 of 2022)

: Respondent/Complainant

For Petitioner : Mr.D.S.Haroon Rasheed

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

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

PRAYER:-C-38B.For Bail in Crime No.242 of 2022 on the
file of the Respondent Police.

ORDER : The Court made the following order:-



The petitioner, who is arrayed as A2 was arrested, on 16/07/2022 and remanded to judicial custody for the alleged offences punishable under sections 392 and 397 IPC, in Crime No.242 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 15/07/2022 at about 7.00 pm, the de-facto complainant was walking along with the main road, at that time, the accused persons due to previous enmity over the removal of the flex banner, waylaid him, abused in filthy language and robbed Rs.3,000/- at knife point. He also snatched silver chain. When neighbours gathered, they were also threatened by the accused persons. On the basis of the above said occurrence, the case has been registered. The petitioner was arrested and remanded to the judicial custody.

3.Seeking bail, this petition has been filed by the petitioner on the ground that due to previous enmity between two rivalry groups belong to a communal group, the case has been foisted. The date of arrest is 16/07/2022 and ever-since, he is in custody.



4.The learned Government Advocate (Criminal side) appearing for the respondent has made strong objection with regard to enlarge on bail stating that the petitioner is a history sheeted and involved in more than 6 cases, among which most of the cases are under the provisions of Indian Penal Code, criminal intimidation, attempt of murder, etc.

5.But however, the learned counsel appearing for the petitioner would submit that only due to the above said enmity between two groups of communal organization, repeated complaints have been registered and most of the cases have been registered with regard to protest, that has been made by the communal organization.

6.While hearing the other bail and anticipatory bail applications, it was submitted by the learned counsel appearing for the petitioner to the effect that compromise has been reached by the above said two groups communal organization. Now they are going to remain united and they will not make any trouble to the public and create any law and order problem. On that account, the above said bail was considered and interim bail was



considered to one of the accused persons, who belong to one of the groups.

7.It appears that there was continuous rivalry between two groups. As mentioned above, even though the petitioner is having six previous cases, in most of the cases, he has been enlarged on bail.

8.Considering the above facts and circumstances of the case and considering the period of incarceration and also considering the fact that the above matter stated to be compromised between two rivalry groups, 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, Musiri and on further condition that the petitioner shall report before the respondent police daily at 10.30 am until further orders.

25/08/2022

Index:Yes/No
Internet:Yes/No
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To,

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



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G. ILANGO VAN, J

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