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CRL OP(MD). N



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

Date : 29/08/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.14270 of 2022

Sivasankaran, ... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
Natham Police Station,
Dindigul District.
(Crime No. 251 of 2022). ... Respondent/Complainant

Sarasu ...Petitioner/Proposed Respondent
/Defacto Complainant
in Crl MP(MD)No.9969 of 2022

For Petitioner : Mr.S.Arjun, Advocate.

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

For Intervener : Mr.V.Sukumar, Advocate.
IN CRL MP(MD)No.9969 of 2022

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

PRAYER :-

For Bail in Crime No. 251 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.1, who was arrested on 25.07.2022 for the alleged offences under Sections 147, 148, 120(b), 447, 436, 294 (b), 506(ii) IPC & Section 4 of TNPPDL Act, in Crime No.251 of 2022, on the file of the respondent police, seeks bail.



2.The case of the prosecution is that the defacto co-accused it lodged a complaint stating that her husband applied 7 loads of sand to one Sivasankaran worth about Rs.42,000/-. That was not paid by him. Her husband repeatedly demanded the above said money. on 24.07.2022, at about 02.00 p.m, he went to the house of the above said Sivasankaran for collecting the said amount. Later, she was informed that there was issue between the above said Sivasankaran and her husband. In view of the above said issue, the persons belongs to one political party numbering about 15 trespassed into the shed of the temple and caused damage to the articles worth about Rs.7 lakhs and also caused fire to JCB vehicle. On the basis of the above said occurrence, she was informed by the concerned person and she went to that place and the above said JCB was damaged in fire. Hence, case has been registered against 15 persons and the petitioner has been arrested and remanded to judicial custody on 25.07.2022. Ever since, he is in custody.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution.

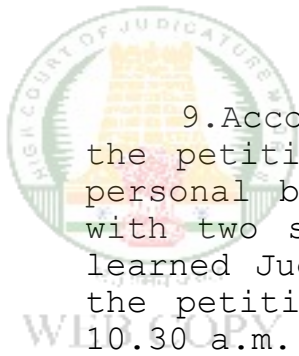
4.The learned counsel Government Advocate (Crl.Side) and the learned counsel for the Intervener submitted that the articles worth about Rs.7 lakhs and JCB was also severely burnt by the petitioner along with his associates. The learned Government Advocate (Crl.Side) further submitted that the petitioner is having 1 previous case, which was registered in 2007.

5.On the earlier occasion, this Court has directed the respondent to produce the photographs of JCB to find out the position of JCB. Photographs has been produced.

6.The learned Public Prosecutor submitted that the petitioner was in inpatient on the date of the above said occurrence. Only, his associates, who belongs to the above said political party, caused the above said damage and fire.

7.Whether the petitioner actively instigated and abetted his associates to commit the above said offence is a matter for investigation since it has been submitted by the learned counsel for the petitioner that the petitioner was in hospital on the date of the above said occurrence.

8.Considering the period of incarceration and even though the petitioner is having 1 previous case in the year 2017, considering the fact that he was in hospital on the date of the above said occurrence, this Court is inclined to grant bail to the petitioner with stringent conditions.



9. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing a personal 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, Natham, and on further condition that the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

sd/-
29/08/2022

/ TRUE COPY /

/08/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

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
NATHAM.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
DINDUGAL DISTRICT.
- 3 THE INSPECTOR OF POLICE
NATHAM 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.S.ARJUN, Advocate (SR-9221[I] dated 29/08/2022)

ORDER
IN
CRL OP(MD) No.14270 of 2022
Date :29/08/2022

PKP/VR/SAR-4/30.08.2022/3P/7C