



WEB COPY



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Reserved on : 12/09/2022

Delivered on : 16/09/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . No.16363 of 2022

1. Balaji
2. Narayanakumar
3. Esakkipandi

... Petitioners/Accused
Rank Not Known

Vs.

State rep.by
The Inspector of Police,
Suthamalli Police Station,
Tirunelveli District.
(Crime No.184/2022).

... Respondent/Complainant

For Petitioners : M/s.Saravanakumar C, Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

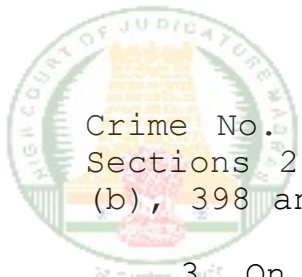
PRAYER :-

For Bail in Crime No.184 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, who was arrested and remanded to judicial custody on 08.08.2022, in Crime No.184 of 2022, on the file of the respondent police, seeks bail.

2. The case against the petitioners is that on 15.07.2022, when the defacto complainant was proceeding in his lorry bearing Registration No.TN-28-BF-3717 loaded with waste paper near TASMACH shop along the Nadukallur to Seetharpanallur road, 3 persons intercepted the lorry and demanded money and assaulted the defacto complainant and threatened him with dire consequences. A case in



Crime No. 184 of 2022 was registered against the petitioner under Sections 294(b), 323, 387 and 506(ii) I.P.C. @ Sections 341, 294 (b), 398 and 506 (ii) I.P.C.

3. On the side of the petitioners, it is stated that there was an election dispute between one Rajendran and the present president of Melakallur village, viz., Subramanian and there was quarrel at the time of temple festival and the defacto complainant gave a complaint in Crime No.210 of 2022 against one Rajendran and the petitioners. The village president - Subramanian by using his influence registered another case in Crime No.209 of 2022 for the alleged offence, under Sections 392 I.P.C against the said Rajendran and the petitioners. Thereafter, the petitioners and others were arrested and remanded to judicial custody on 08.08.2022. The petitioners obtained a bail order in Crime No.210 of 2022 and 209 of 2022. Due to the influence of the said Subramanian, the respondent police roped the petitioner in Crime No.184 of 2022. The case was registered on 17.07.2022, but the petitioners were arrested only on 08.08.2022 on P.T. warrant. While the bail petition was pending, the respondent altered the section, including 398 I.P.C, and on the point of jurisdiction, the bail petition was dismissed by the Judicial Magistrate. The petitioners never involved in any offence. The respondent police is supporting the village president and were registering false case against the petitioners. The petitioner filed a bail petition before the Principal District Judge, Tirunelveli, in Cr.M.P.No.8436 of 2022 and the same was dismissed on 05.09.2022. The petitioners are in custody for the past 30 days and prayed the petitioner to be released on bail.

4. On the side of the prosecution, it is stated that the petitioners waylaid the lorry and demanded money. The petitioners are arrayed as A2 to A4. A2 to A4 are having 3 previous cases, similar in nature. If the petitioners were released on bail, they will continue their further offence and prayed the petition to be dismissed.

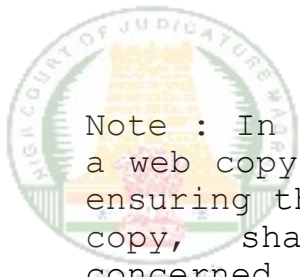
5. Considering the nature of the offence and considering the previous antecedents of the petitioners, this Court is not inclined to release the petitioners on bail.

6. Hence, this Petition is dismissed.

Sd/-
16/09/2022

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/09/2022
Sub-Assistant Registrar (C.S.I)
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.

WEB COPY

TO

1. THE INSPECTOR OF POLICE,
SUTHAMALLI POLICE STATION,
TIRUNELVELI DISTRICT.
2. THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.16363 of 2022

Date :16/09/2022

SP/SVR/SAR I/20/09/2022/3P/4C