



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated : 29/09/2022

WEB COPY

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD). No.17301 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.Vaikam Karunanithi
Government Advocate (criminal side)

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 were arrested and remanded to judicial custody on 08.08.2022, in Crime No.184 of 2022, on the file of the respondent police, seek 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 TASMAL 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 Nadukallur village, viz., Subramanian and there was a quarrel at



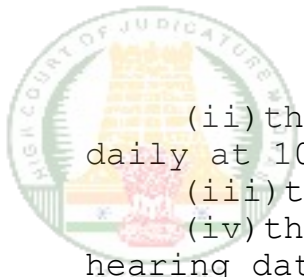
the time of temple festival and the defacto complainant a complaint in Crime No.210 of 2022 against one Rajendran and the petitioners. The village president - Subramanian by using his influence registered another case in Crime No.209 of 2022 for the alleged offence, under Sections 392 I.P.C against the said Rajendran and the petitioners. Thereafter, the petitioners and others were arrested and remanded to judicial custody on 08.08.2022. The petitioners obtained 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 cases 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 51 days, major portion of the investigation might have been completed by this time. All the cases mentioned against the petitioners are false cases, instigated by the present President of Melakallur village and prayed the petitioners 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. This is the second bail application. Earlier petition filed by the petitioners was dismissed by this Court, on 16.09.2022, in CrI.O.P.(MD)No.16363 of 2022. 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 period of incarceration and also considering the fact that major portion of the investigation might have been completed by this time, this Court is inclined to release the petitioners on bail with certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail, on their executing a bond for a sum of 10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Cheranmahadevi, and on further conditions that:

(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their



(ii) the petitioners shall report before the responder daily at 10.30 a.m., until further orders;

(iii) the petitioners shall not tamper with evidence or witness;

(iv) the petitioners shall be present before the Court on hearing dates and before the respondent police as and when required;

(v) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

(vi) If the accused / petitioners thereafter abscond, FIR can be registered under Section 229A IPC.

sd/-

29/09/2022

/ TRUE COPY /

29/09/2022

Sub-Assistant Registrar (C.S.)
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.

TO

1 THE JUDICIAL MAGISTRATE, CHERANMAHADEVI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE, SUTHAMALLI POLICE STATION,
TIRUNELVELI DISTRICT.

4 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.

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

+1 CC to M/s.C.SARAVANAKUMAR., Advocate (SR-10761[I] dated
29/09/2022)

ORDER

IN

CRL OP(MD) No.17301 of 2022

Date : 29/09/2022

LS

RS/VR/SAR.1(29.09.2022) 3P-7C

<https://www.mhc.tn.gov.in/judis>