



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

Date : 28.09.2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD). No.17223 of 2022

WEB COPY

1.Poosari Pandi
2.Dhinakaran
3.Anguraj

... Petitioners/Accused Rank not known

Vs

State represented through
The Inspector of Police,
Natham Police Station,
Dindigul District.
Crime No.251 of 2022

... Respondent/Complainant

For Petitioners : Mr.R.Anand, Advocate.
For Respondent : Mr.M.Vaikkam Karunanithi
Government Advocate

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

PRAYER :-

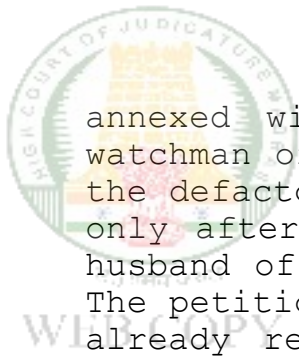
For Bail in Crime No.251 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.1, who was arrested and remanded to judicial custody on 25.07.2022 for the offences punishable under Sections 147,148, 120(B), 447, 436, 294(b), 506(ii) of IPC and Section 4 of Tamil Nadu Prevention of Damage to Public Property Act and on 25.07.2022 in Crime No.251 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to a money dispute between the defacto complainant's husband and one Sivasankaran, the petitioner and other accused persons trespassed into the shed and caused damages and set fire and burnt down the shed and a JCB. Hence the complaint.

3.On the side of the petitioner it is stated that the prosecution case itself is an unbelievable one. There was a earlier complaint and counter complaint by both the parties before the Police Station on the date of occurrence. Both the parties were present on 24.07.2022 at about 2.00 p.m., in the station and there is no possibility of A1 to instigate the others to indulge in the offence when he was in the police station. Copies of the First Information Report and reports of the earlier case and the counter case were



annexed with the petition. Except the information given by the watchman of the shed, there is no witness to the occurrence. Even, the defacto complainant is not a witness. She has lodged a complaint only after 5 1/2 hours, after the alleged time of occurrence. The husband of the complainant is having multiple cases for sand theft. The petitioner is in custody for the past 67 days. Accused No.1 was already released on bail by this Court. One of the accused was released by the lower Court and pray the petitioner to be released on bail.

4. On the side of the prosecution it is stated that the shed is worth Rs.7,00,000/- and the JCB is worth Rs.55 Lakhs and both were burnt down by the petitioners and their associates. The earlier petition for bail was dismissed on 07.09.2022. There is no change of circumstances and pray the petition to be dismissed.

5. Considering that the prime accused A1 was already released on bail and considering the fact that the petitioners are in custody for the past 65 days, considering the nature of offence, this Court is inclined to release the petitioners on bail on the following conditions:

6. Accordingly, this Criminal Original Petition is allowed on condition that the petitioners shall deposit a sum of Rs.3,00,000/- (Rupees Three Lakhs only) each to the credit of Crime No.251 of 2022 before the learned District Munsif cum Judicial Magistrate, Natham, Dindigul District, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the trial Court.

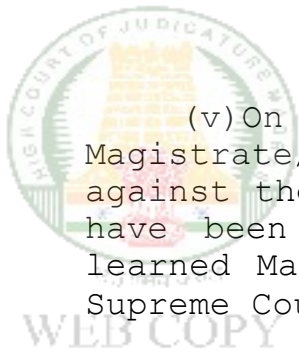
7. On such deposit being made, the petitioners are ordered to be released on bail, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Natham, Dindigul District, and on 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 identity;

(ii) the petitioners shall report before the respondent police 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, a fresh FIR can be registered under Section 229A IPC.

sd/-

28/09/2022

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28/09/2022

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

TO

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, NATHAM,
DINDIGUL DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL DISTRICT.

3 THE INSPECTOR OF POLICE, NATHAM POLICE STATION, DINDIGUL DISTRICT.

4 THE OFFICER INCHARGE, SUB JAIL, DINDIGUL.

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

+2 CC to M/s.R.ANAND, Advocate (SR-10665[I] dated 28/09/2022)

ORDER

IN

CRL OP(MD) No.17223 of 2022

Date :28/09/2022

pnn

RS/VR/SAR.3(28.09.2022) 3P-8C