



Crl.O.P.No.5862 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2023

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THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

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1. Selvapandi @ Selvapandian

2. Rajesh

3. Suresh

4. Sasikumar

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Manalmedu Police Station,
Mayiladuthurai District.

(Crime No.18 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners/accused on bail, in connection with the
Crime No.18 of 2023, pending investigation on the file of the respondent
Police.

For Petitioners : Mr.J.Milton Arul Rajendran

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



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ORDER

The petitioners, who were arrested and remanded to judicial custody, for the offences punishable under Sections 147, 148, 294(b), 324 & 506(ii) of IPC r/w Section 3(1) of Tamil Nadu Public Property (Prevention of Damages & Loss) Act, in Crime No.18 of 2023 on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 16.01.2023, during Pongal Festival, there was a clash between two rival group of different communities and they both abused and assaulted each other. The further allegation is that they have also damaged the public properties worth about Rs.1000/-. Hence the case.

3. Learned counsel appearing for the petitioners submitted that this is the third application for bail filed by the petitioners and this Court, had dismissed the earlier bail applications filed in Crl.O.P.Nos.3162 & 4159 of 2023 vide orders dated 10.02.2023 & 27.02.2023. He further submitted that the petitioners have also lodged a complaint against the de-facto complainant and others, which is registered in Crime No.19 of 2023. He also submitted



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that the first and second petitioners were arrested on 18.01.2023 and the third and fourth petitioners were arrested on 17.01.2023 and they were suffering incarceration for more than 55 days. He further submitted that the petitioners are also ready to abide by any stringent conditions that may be imposed by this Court, therefore, he prayed to grant bail to the petitioners.

4. Learned Additional Public Prosecutor appearing for the respondent police submitted that it is a case and a case in counter, registered due to the communal clash between the petitioners' gang and the de-facto complainant's gang during Pongal festival. He further submitted that this is the third bail application filed by the petitioners and this Court had dismissed the earlier applications. He also submitted that the injured has been discharged from the hospital, however, he opposed to grant bail to the petitioners.

5. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the



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case and the submissions made by either side of the parties and also considering the fact that the injured were discharged from the hospital, this Court is inclined to grant bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with **two sureties**, for a like sum to the satisfaction of the **learned Judicial Magistrate No.I, Mayiladuthurai**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioners shall report before the respondent Police, everyday at 10.30 a.m. for a period of two weeks and thereafter, as and when required for interrogation;

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;



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[e] 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]***;

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

15.03.2023

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To

1. The Judicial Magistrate No.I,
Mayiladuthurai.
2. The Inspector of Police,
Manalmedu Police Station,
Mayiladuthurai District.
3. The Central Prison,
Trichy.
4. The Public Prosecutor,
High Court of Madras.

A.D.JAGADISH CHANDIRA.,J.



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