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CrI.OP.No.21421 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2023

CORAM

THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.OP.No.21421 of 2023

1. Durairaj Murugan

2. Saravana Iyyappan

...Petitioners

Vs.

The State Rep by
The Inspector of Police,
Yercaud Police Station,
Salem District.
(Crime No.153 of 2023)
...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioners on bail in Crime No.153 of 2023 on the
file of the respondent.

For Petitioners : Mr.C.Iyyapparaj

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 16.08.2023 for the offences punishable under Sections 147, 148, 447, 294 (b), 323 and 324 of I.P.C, read with 3(2) of Tamil Nadu Prevention of Damage to Public Property Act, in Crime No.153 of 2023 on the file of the respondent police, seek bail.

2.The learned counsel for the petitioners submitted that there was a retreat function celebrated at Montfort Anglo Indian Higher Secondary School, Yercaud, on 06.08.2023. There was a rivalry between 12th standard students and 10th standard students in connection with, the issue of whose song has to be played first. In the said incident there was a push and pull. He further submitted that 12th standard students trespassed into the hostel area of 10th standard and had wordy quarrel. 10th standard students had been taken by their parents to home. Then for reaching compromise, they were invited. Parents of 10th and 12th standard met and then this false and exaggerated complaint was given. Petitioners are in judicial custody from 16.08.2023. He further submitted that, co-accused were granted bail by this Court in Crl.O.P.No.20472 of 2023 dated



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08.09.2023. Thus, he seeks bail.

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3.In response, the learned Additional Public Prosecutor submitted that after the incident of push and pull that had happened on 06.08.2023, certain 12th standard students visited the hostel area of 10th standard students and picked up wordy quarrel. The school Principal Dominic Saavio informed the parents. One Rithish was taken by his brother, the first accused Manikaraja to his home. On 07.08.2023, at about 09.25 a.m, Rithish's brother Manikaraja and his men trespassed into the classroom 12th A1 and 12th A2 and started attacking the students. Teachers Iruthaya Raja, Arut Sago Arogyasamy tried to prevent them. However, some students suffered injuries. He further submitted that injured were treated as outpatients.

4.Considered the rival submissions and perused the records.

5.In the light of the facts obtained that the dispute arose out of the



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issue as to whose song has to be played first between the 12th and 10th students, that injured were treated as outpatients, and having regard to the fact that, co-accused were granted bail by this Court and the petitioners are in judicial custody from 16.08.2023 and that material part of investigation in this case might have been completed by this time, this Court is inclined to grant bail to the petitioners with conditions.

6. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of **Rs.25,000/-** (Rupees twenty Five Thousand only) with **two sureties**, each for a like sum to the satisfaction of the **learned District Munsif Cum Judicial Magistrate, Yercaud**, 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 daily at 10.00.a.m., until further orders.

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



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

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

15.09.2023

Sma

G.CHANDRASEKHARAN. J.



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Sma

To

1.District Munsif Cum Judicial Magistrate, Yercaud,

2.The Inspector of Police,
Yercaud Police Station,
Salem.

3.Central Prison,
Salem.

4.The Public Prosecutor,
High Court of Madras

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