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Crl.O.P.Nos.24885 & 25031 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2023

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

Crl.O.P.Nos.24885 & 25031 of 2023

1.P.Surya

2.K.Palanisamy @ Mani

3.S.Bharanidharan

... Petitioners in Crl.O.P.No.24885 of 2023

1.Prakash

2.Dhanush

... Petitioners in Crl.O.P.No.25031 of 2023

Vs.

The State rep. by:-

The Inspector of Police,

Jedarpalayam Police Station,

Namakkal District.

(Crime No.68 of 2023)

... Respondent in both Crl.O.Ps.

COMMON PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C., pleased to enlarge the petitioners / Accused on bail in Crime No.68 of 2023 on the file of the respondent Police.

For Petitioners in

Crl.O.P.No.24885 of 2023 : Mr.B.Janarth Kumar

For Petitioners in

Crl.O.P.No.25031 of 2023 : Mr.W.Camyles Gandhi



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For Respondent : Mr.R.Kishore Kumar
Government Advocate (Crl.Side)

COMMON ORDER

The petitioners who were arrested and remanded to judicial custody originally registered for the offences under Sections 447, 427 of IPC r/w Section 3(1) of Prevention of Damage to Public Property Act, 1984 and subsequently, altered to Sections 147, 148, 447, 427, 120B of IPC r/w Section 3(1) of Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992, in Crime No.68 of 2023, seek bail.

2.The petitioners are arrayed as A4 to A8. The case of the prosecution is that there was an earlier incident where one Nithya who belong to the community of the petitioners herein is said to have been sexually assaulted and murdered. The petitioners had taken vengeance on that particular fact and conducted a Dharna and not only that, they had gone over to the farm of the defacto complainant and said to have cut out half a field of cassava plantation, which is worth about Rs.10,000/- each.

3.The learned counsel for the petitioners stated that the petitioners herein are innocent of the offence and had only protested against the crime committed against the deceased Nithya and it had been stated that a false



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case has been registered against the petitioners herein.

4.The case of the respondent is that the petitioners had gathered around with an intention to cause damage, had moved over to the farm of the defacto complainant and cut the trees and later, after two days, moved over to another farm and again cut the saplings and had diverted the respondent Police and went back to the farm of the first defacto complainant and again cut substantial number of trees.

5.It is stated that the loss runs into lakhs. It is also stated that A1 to A3 in Crime No.64 of 2023 had been detained under Act 14 of 1982.

6.It is also contended by the respondent that the Superintendent of Police, Namakkal District had called for peace meeting and the efforts are on to bring about the amicable settlement among all the parties and to bring about the peace in the said area.

7.It is also contended by the learned counsel for the petitioners that the petitioners are young individuals who are not involved in the offence and that a false case had been registered against them.

8.I have carefully considered the arguments on the learned counsel on either side.



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9.This is a case where owing to the unfortunate sexual assault and murder of a young girl, all the people in the neighbouring area belonging to the same community appear to have taken law in their hands and to give vent to their anger, had cut down the trees which neither did any offence nor capable of doing any offence. They have not cut a few trees but trees running into thousands. They have not committed the offence on one occasion but they repeated the offence on two separate occasions.

10.This is deliberate act of waste and damage caused to the farm of the defacto complainant.

11.However, since it is stated that the efforts are being taken by the respondent to bring about peace in the area, it would also only be conducive that the petitioners are also granted bail with a direction to appear before the respondent to may impress upon them to be a little more caution.

12.However, It is appropriate that the petitioners also deposit some amount to the credit of crime Number.

13.Accordingly, the petitioners are ordered to be released on bail on condition to execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, **out of which, one surety must be a blood related surety**, each for a like sum to the satisfaction of the learned



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Judicial Magistrate, Paramathi 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 jointly deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime No.68 of 2023 before the concerned Magistrate within a period of two weeks from the date of receipt of a copy of this order;

[c] the concerned Magistrate may remain the amount into Court deposit and on the finality of the trial, if it ends in acquittal, return the amount to the petitioner herein and if any one of them are convicted, paid back the same to the defacto complainant;

[d] the petitioner shall report before the respondent Police daily at 10.30 a.m., until further orders;

[e] the petitioner shall not abscond either during investigation or trial.

[f] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[g] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the



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conditions have been imposed and the petitioner 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].

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

01.11.2023

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To

1. The Judicial Magistrate, Paramathi.
2. The Inspector of Police,
Jedarpalayam Police Station,
Namakkal District.
3. The Central Prison, Salem.
4. The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN, J.

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