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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 28/07/2023

CORAM:

THE HON'BLE MR JUSTICE G.ILANGOVAN

Crl.OP(MD)Nos.11106, 11108, 11110, 11111, 11112 and 11115
of 2023

(1)Crl.OP(MD)No.11106 of 2023:-

Smt.S.N.Yogapriyanga : Petitioner/De-facto
Complainant

Vs.

1.The Sub Inspector of Police,
Thanthonimalai P.S
Karur District.
(Crime No.260 of 2023)

2.Vignesh @ Sabapathi

3.Sandy @ Satheeshkumar

4.Kanagaraj

5.Krishnan

: Respondents/Respondents

PRAYER:-Criminal Original Petition filed under
Section 439(2) of Cr.P.C., to cancel the bail granted to
the accused in Crl.M.P No.3945 of 2023, dated 01/06/2023
by the Judicial Magistrate No.1, Karur.

For Petitioner : Mr.AR.L.Sundaresan
Additional Solicitor General
of India
for Mr.N.Dilip Kumar
Senior Standing Counsel
for Income Tax Department

For 1st Respondent : Mr.B.Nambiselvan
Additional Public Prosecutor



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For R2 to R5

: Mr.N.R.Elango
Senior Counsel
for Mr.M.Palani Raja

(2)Cr1.OP(MD)No.11108 of 2023:-

Smt.S.N.Yogapriyanga

: Petitioner/De-facto
Complainant

Vs.

1.The Sub Inspector of Police,
Thanthonimalai P.S
Karur District.
(Crime No.260 of 2023)

2.Selvam

: Respondents/Respondents

PRAYER:-Criminal Original Petition filed under
Section 439(2) of Cr.P.C., to cancel the bail granted to
the accused in Cr1.M.P No.3910 of 2023, dated 01/06/2023
by the Judicial Magistrate No.1, Karur.

For Petitioner

: Mr.AR.L.Sundaresan
Additional Solicitor General
of India
for Mr.N.Dilip Kumar
Senior Standing Counsel
for Income Tax Department

For 1st Respondent

: Mr.B.Nambiselvan
Additional Public Prosecutor

For 2nd Respondent

: Mr.N.R.Elango
Senior Counsel
for Mr.M.Palani Raja

(3)Cr1.OP(MD)No.11110 of 2023:-

Shri K.Krishnakanth

: Petitioner/De-facto



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Complainant

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Vs.

1.The Inspector of Police,
Karur Town,
Karur District.
(Crime No.376 of 2023)

2.Shri.Marappa Gounder Gunasekaran

3.Shri.Thangavel

4.Balasubramani : Respondents/Respondents

PRAYER:-Criminal Original Petition filed under Section 439(2) of Cr.P.C., to cancel the bail granted to the accused in CrI.M.P No.3909 of 2023, dated 01/06/2023 by the Judicial Magistrate No.1, Karur.

For Petitioner : Mr.AR.L.Sundaresan
Additional Solicitor General
of India
for Mr.N.Dilip Kumar
Senior Standing Counsel
for Income Tax Department

For 1st Respondent : Mr.B.Nambiselvan
Additional Public Prosecutor

For R2 to R4 : Mr.N.R.Elango
Senior Counsel
for Mr.M.Palani Raja

(4)CrI.OP(MD)No.11111 of 2023:-

Smt.Gayathry : Petitioner/De-facto
Complainant

Vs.



1.The Inspector of Police,
Karur Town,
Karur District.
(Crime No.377 of 2023)

2.Rubesh

3.Arun

4.Jothi Babu

5.Bullet Boopathy

: Respondents/Respondents

PRAYER:-Criminal Original Petition filed under Section 439(2) of Cr.P.C., to cancel the bail granted to the accused in CrI.M.P No.918 of 2023, dated 01/06/2023 by the Additional Mahila Court, Judicial Magistrate Level, Karur.

For Petitioner : Mr.AR.L.Sundaresan
Additional Solicitor General
of India
for Mr.N.Dilip Kumar
Senior Standing Counsel
for Income Tax Department

For 1st Respondent : Mr.B.Nambiselvan
Additional Public Prosecutor

For R2 to R5 : Mr.N.R.Elango
Senior Counsel
for Mr.M.Palani Raja

(5)Cr1.OP(MD)No.11112 of 2023:-

Shri Galla Srinivasarao : Petitioner/De-facto
Complainant

Vs.

1.The Inspector of Police,



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Karur Town,
Karur District.
(Crime No.378 of 2023)

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2.Balraj @ Gym Balaji
3.Lawrance

: Respondents/Respondents

PRAYER:-Criminal Original Petition filed under Section 439(2) of Cr.P.C., to cancel the bail granted to the accused in Cr1.M.P No.3908 of 2023, dated 01/06/2023 by the Judicial Magistrate No.1, Karur.

For Petitioner : Mr.AR.L.Sundaresan
Additional Solicitor General
of India
for Mr.N.Dilip Kumar
Senior Standing counsel
for Income Tax Department

For 1st Respondent : Mr.B.Nambiselvan
Additional Public Prosecutor

For R2 and R3 : Mr.N.R.Elango
Senior Counsel
for Mr.M.Palani Raja

(6)Cr1.OP(MD)No.11115 of 2023:-

Smt.K.Krishnakanth : Petitioner/De-facto
Complainant

Vs.

1.The Inspector of Police,
Karur Town Police Station,
Karur District.



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(Crime No.376 of 2023)

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2.Prabhu @ Ayyanar Prabhu : Respondents/Respondents

PRAYER:-Criminal Original Petition filed under Section 439(2) of Cr.P.C., to cancel the bail granted to the accused in CrI.M.P No.3944 of 2023, dated 01/06/2023 by the Judicial Magistrate No.1, Karur.

For Petitioner : Mr.AR.L.Sundaresan
Additional Solicitor General
of India
for Mr.N.Dilip Kumar
Senior Standing Counsel
for Income Tax Department

For 1st Respondent : Mr.B.Nambiselvan
Additional Public Prosecutor

For 2nd Respondent : Mr.N.R.Elango
Senior Counsel
for Mr.M.Palani Raja

COMMON ORDER

The facts in brief in Crime No.260 of 2023

(CrI.OP(MD)Nos.11106 and 11108 of 2023) :-

The de-facto complainant lodged a complaint stating



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that she is working as Deputy Director of Income Tax, Unit-1(4), Chennai. A search warrant was issued under section 132 of the Income Tax Act to carry out the same in the premises of Subramaiam, who is a Partner of Kongu Mess, Karur. On 26/05/2023 at about 07.05 am, when they were executing the work, they were manhandled and physically assaulted, prevented from discharging the duty, by a mob of more than 50 people. They snatched away the search warrant, confidential documents and the office seal. The above said office seal belongs to the Government of India, pertaining to the Income Tax Department. And also, there were verbal abuse and criminal intimidation and gender shaming comments. The Tax Assistant was badly beaten, which resulted in swelling on the face. They managed to come out of the above said premises of Subramaniam.

2.On the basis of the above said occurrence, a case in Crime No.260 of 2023 was registered for the offences punishable under sections 143, 323, 353 IPC. During the course of investigation, sections were altered to sections 147, 323, 353 and 506(ii) IPC. The alteration report was also submitted.

**3.The facts in brief in Crime No.376 of 2023****(CrI.OP(MD)Nos.11110 and 11115 of 2023)**

The de-facto complainant is one K.Krishnakanth, Assistant Director of Income Tax (Investigation) Unit-2(2), Chennai. He lodged a complaint stating that he along with the nominated officers, made search operation under section 132 of the Income Tax Act in the premises of one Gunasekaran, at No.23, Sengunthapuram, 3rd Cross, Karur-639 002. On 25/05/2023, it was executed at 06.45 am. On that day, while performing their official duty, they were prevented, obstructed, physically assaulted and manhandled by a mob of more than 100 people, who barged into the premises, verbally abused, threatened, snatched away the confidential official documents. At the intervention of the Deputy Superintendent of Police only, they managed to come out of the place belongs to Marappa Gounder Gunasekaran. They returned the office laptop and 4 pen-drives to the petitioners. But failed to return one pen-drive.

4.On the basis of the above said occurrence, a case in Crime No.376 of 2023 was registered for the offences under sections 173, 323 and 353 IPC. During the course of



investigation, altered the sections 147, 323, 353 and 506(ii) IPC. Alteration report was also submitted.

5. The brief facts in Crime No.377 of 2023

(Cr1.OP(MD)No.11111 of 2023) :-

The de-facto complainant namely Smt.Gayathry, who is working as Inspector of Income Tax (Investigation) Unit-4(4), Chennai. In the complaint, she has stated that on 26/05/2022 at about 09.00 am, along with her team members, went to conduct search in the house of one Ashok Kumar situated at Ramakrishnapuram, Karur. At the time of search, the house was found locked. The upstairs portion was occupied by third parties. On enquiry, they have stated that Ashok Kumar whereabouts is not known. At that time, a mob of more than 50 persons gathered and they also scolded them. Arjun, one of the team member was surrounded by the mob, who was abused. About 8 to 10 persons entered into the place, she was manhandled, abused and touched inappropriately and she was also assaulted. They prevented the petitioners from getting into the Car. The mob, damaged the front glass of the Car. Other persons damaged the rear view mirror. They also prevented them from moving away from that place. At



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the intervention of the police, they were escorted out of the place. She was taken to the hospital from where the statement was recorded.

6. Upon which, a case in Crime No.377 of 2023 was registered for the offences under sections 147, 323, 353 and 427 IPC. During investigation, altered the section as sections 147, 341, 294(b), 323, 353, 427 and 506(ii) IPC and section 4 of the Tamil Nadu Prohibition of Harassment of Women Act. Alteration report was also filed.

7. The facts in brief in Crime No.378 of 2023

(Cr1.OP(MD)No.11112 of 2023):-

The de-facto complainant is Shri Galla Srinivsarao working as Inspector of Income Tax (Investigation), Unit-2(2), Chennai. He has stated in the complaint that the warrant was about to be executed on Smt.Thangamani. On 26/05/2023 at about 06.45 am, along with team members, when he was making the above said search and performing their official duty, a mob of more than 15 people barged into the premises at 10.30 am and they snatched the search warrant and confidential documents. They were also threatened, abused and beaten up by the mob. And he was



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dragged from upstairs portion through stairs to the first floor. They managed to come out of the residence of the above said Smt.Thangamani.

8.On the basis of the above said occurrence, a case in Crime No.378 of 2023 was registered for the offences under sections 147, 323 and 353 IPC. During the course of investigation, altered the sections as 147, 323, 353 and 506(ii) IPC. Alteration report was also filed.

9.Seeking bail, the accused persons in Crime No.377 of 2023 filed CrI.MP No.918 of 2023 on the file of the Additional Mahila Court, Judicial Magistrate Level, Karur and CrI.MP Nos.3908, 3909, 3910, 3944 and 3945 of 2023 on the file of the Judicial Magistrate No.1, Karur, by the accused in Crime Nos.378, 376 and 260 of 2023. The trial court granted bail and interim bail, as the case may be, by order, dated 01/06/2023, respectively.

10.Now challenging the grant of bail, in all matters, the de-facto complainants have filed these petitions seeking cancellation.

11.Heard both sides.

12.The trust and confidence is the central fulcrum



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upon which every public office functions to serve the interest of the society. It must be allowed to function in a free and fair manner. Then only, it can achieve its goal of working towards the interest of the society. Any intrusion, if made, in any for by any one, the immediate causality, is the rule of law and ultimate will be the interest of the society.

13.This is the classical case. According to the learned Senior counsel appearing for the petitioners, mob of persons intruded into the process of enquiry, search and seizure and caused assault, abuse, preventing from discharging official duty, snatching away the official documents, manipulating or erasing the official document and also causing disappearance of evidence. According to the learned Senior counsel for the petitioners, this must be viewed seriously. The bail was granted to the accused in a casual manner without looking into the gravity and seriousness of the offence and this must be interfered by this court.

14.Per contra, it is the counter allegation of the private respondents namely the accused that, even though the complainants are public officers, they cannot enter into the house in an unlawful manner. When the



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complainants were tried to enter into the house and made search, the accused persons asked the complainants to show the ID cards and search warrant, etc. At that event, commotion occurred and there was wordy altercation between them. Absolutely, nothing happened as projected by the de-facto complainants. According to the learned Senior counsel, stereotyped complaints have been given, in all the matters.

15. In response to the above said, the learned Senior counsel appearing for the petitioners would submit that when the first search was made, Rs.1.00 Crore cash and jewels were available in that house, but they disappeared, when the second search was made. All these things must be handed over to the petitioners for the purpose of enquiry, which, they are now undertaking.

16. Again, the learned Senior counsel appearing for the private respondents would submit that merely recovery of the above said documents, cancellation of bail cannot be made. During the course of investigation, even if the accused are on bail, there is no bar for the Investigating Officer to recover the above said documents alleged to have been taken.



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17.From the argument narrated above, the issue is now clear and simple.

18.As usual, there are allegations and counter allegations, which one is true, is a matter for investigation. But, while entertaining bail application, it is the duty of the court to find out whether there is any *prima facie* ground available against the accused persons. But, according to the learned Senior counsel for the petitioner, this cardinal principle is completely ignored by the trial courts, while entertaining and enlarging the accused on bail. According to him, if such sort of bails are admitted, then no public office will function in a smooth, fair and free manner.

19.No doubt that as mentioned earlier, if intrusion is made into the discharge of public duty in an unlawful manner, it must be viewed seriously, even while entertaining the bail application. The interest of the society at one end and individual liberty in another end.

20.Since already the accused have been granted regular bail, unless a strong case has been made out by the petitioners, this court cannot interfere into the



order passed by the trial court.

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21. Before we go into the other aspects, let us extract the observation made by the Hon'ble Supreme Court in the judgment reported in the case of **Neeru Yadav Vs.**

State of U.P (2014) 16 SCC 508, as under:-

"...Accent on individual liberty cannot be pyramided to that extent which would bring chaos and anarchy to a society. A society expects responsibility and accountability from the member, and it desires that the citizens should obey the law, respecting it as a cherished social norm. No individual can make an attempt to create a concavity in the stem of social stream, It is impermissible. Therefore, when an individual behaves in a disharmonious manner ushering in disorderly things which the society disapproves, the legal consequences are bound to follow. At that stage, the Court has a duty. It cannot abandon its sacrosanct obligation and pass an order as its own whims or caprice. It has to be guided by the established parameters of law."



22.This observation guides us to decide the issue.

The question boils down a single point as to whether the established parameters were taken into account by the trial court at the time of entertaining and admitting the bail application. Some of the parameters have been settled in plethora judgments.

23.In the judgment reported in the case of **Bhoopendra Singh Vs. State of Rajasthan and others [AIR-2021-SC-5514]**, by referring the judgment rendered in **Mahipal Vs. Rajesh Kumar (2020)2 SCC 118**, it has been held as follows:-

"9...It is trite that this Court does not, normally, interfere with an order [Ashish Chaterjee v. State of W.B., CRM No.272 of 2010, order dated 11-1-2019 (Cal)] passed by the High Court granting or rejecting bail to the Accused. However, it is equally incumbent upon the High Court to exercise its discretion judiciously, cautiously and strictly in compliance with the basis principles laid down in a plethora of decisions of this Court on this point. It is well settled that,



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among other circumstances, the factors to be borne in mind while considering an application for bail are:

(i)whether there is any prima facie or reasonable ground to believe that the Accused had committed the offence;

(ii)nature and gravity of the accusation;

(iii)severity of the punishment in the event of conviction;

(iv)danger of the Accused absconding or fleeing, if released on bail;

(v)character, behaviour, means, position and standing of the Accused;

(vi)likelihood of the offence being repeated;

(vii)reasonable apprehension of the witnesses being influenced; and

(viii)danger, of course, of justice being thwarted by granting bail.

10.It is manifest that if the High Court does not advert to these relevant



considerations and mechanically grants bail, the said order would suffer from the voice of non-application of mind, rendering it to be illegal."

24. According to the petitioners, not even a single sentence has been devoted to discuss about the facts and circumstances of the case.

25. The next aspect is, what are the limitation, while entertaining the cancellation of bail orders and parameters. Again, we can refer the **Neeru Yadav's** case.

'13. We have referred to certain principles to be kept in mind while granting bail, as has been laid down by this Court from time to time. It is well settled in law that cancellation of bail after it is granted because the accused has misconducted himself or some supervening circumstances warranting such cancellation have occurred is in a different compartment altogether than an order granting bail which is unjustified, illegal and perverse. If in a case, the relevant factors which should have been taken into consideration while dealing with the application for bail and have not been taken note of bail or it



is founded on irrelevant considerations, indisputably the superior court can set aside the order of such a grant of bail. Such a case belongs to a different category and is in a separate realm. While dealing with a case of second nature, the Court does not dwell upon the violation of conditions by the accused or the supervening circumstances that have happened subsequently. It on the contrary, delves into the justifiability and the soundness of the order passed by the Court.

26. For the very same proposition, the learned Senior counsel appearing for the petitioners would rely upon the following judgments:-

1. Prakash Kadam and others Vs. Ramprasad Vishwanath Gupa and another [(2011) 6 SCC 189];

2. Kanwar Singh Meena Vs. State of Rajasthan and another [(2012) 12 SCC 180];

3. Mahipal Vs. Rajesh Kumar alias Polia and another [(2020) 2 SCC 118];

4. Manoj Kumar Khokhar Vs. State of Rajasthan and another [(2022) 3 SCC 501];

5. Jaibunish Vs. Meharban and another [(2022) 5 SCC 465].

27. From the above said judgment, now it has been



more or less well settled that there is no bar for the higher courts to entertain the plea of cancellation of bail on the ground that the settled parameters of law have been ignored by the bail courts. The meaning thereby that not only the post-bail behaviour or conduct can be taken into account, but also the justifiability of the very order itself.

28. Per contra, the learned Senior counsel appearing for the private respondents would rely upon the judgment reported in the case of **X... Vs. State of Telangana and another [2018(16) SCC 511]**. He would refer para Nos.14 and 15 in the above said judgment.

*"14. In a consistent line of precedent this Court has emphasized distinction between the rejection of bail in a non-bailable case at the initial stage and the cancellation of bail after it has been granted. In adverting to the distinction, a Bench of two learned Judges of this Court in **Dolat Ram V. State of Haryana** observed that:*



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"4.Rejection of a bail in a non-bailable case at the initial stage and the cancellation of bail so granted, have to be considered and dealt with on different basis. Very cogent and overwhelming circumstances are necessary for an order directing the cancellation of the bail, already granted. Generally speaking, the grounds for cancellation of the bail, already granted, broadly (illustrative and not exhaustive) are: interference or attempt to interfere with the due course of administration of justice or evasion of attempt to evade the due course of justice or abuse of the concession granted to the accused in any manner. The satisfaction of the court, on the basis of material placed on the record of the possibility of the accused absconding is yet another reason justifying the cancellation of bail. However, bail once granted should not be cancelled in a mechanical manner without considering whether any supervening circumstances have rendered it no longer conducive to a fair trial to allow the accused to retain his freedom by enjoying the concession of bail during the trial."



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15. These principles have been reiterated by another two Judge Bench decision in Central Bureau of Investigation, Hyderabad v Subramani Gopalakrishnan⁵ and more recently in Dataram Singh v State of Uttar Pradesh:

"23. It is also relevant to note that there is difference between yardsticks for cancellation of bail and appeal against the order granting bail. Very cogent and overwhelming circumstances are necessary for an order directing the cancellation of bail already granted. Generally speaking, the grounds for cancellation of bail are, interference or attempt to interfere with the due course of administration of justice or evasion or attempt to evade the due course of justice or abuse of the concessions granted to the accused in any manner. These are all only few illustrative materials. The satisfaction of the Court on the basis of the materials placed on record of the possibility of the accused absconding is another reason justifying the cancellation of bail. In other words, bail once granted should not be cancelled in a mechanical manner without considering whether any



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supervening circumstances have rendered it no longer conducive to a fair trial to allow the accused to retain his freedom by enjoying the concession of bail during the trial."

29. With the above said rival submission, let us go to the order that was passed by the trial court.

30. The trial court has relied upon the judgment of the Hon'ble Supreme Court in the case of **Satender Kumar Antil Vs. Central Bureau of Investigation and others (AIR 2022 SC 3386)**, for granting bail in all the matters. Apart from this case, the judgment of the Hon'ble Supreme court rendered in **Sanjan Chandra Vs CBI** is also been relied.

31. For better understanding, let us extract the operative portion of the orders in respect of Crime Nos. 260, 376 and 378 of 2023 as under:-

"Hence, considering the remand period, facts, circumstances of this case and the undertaken given by the petitioner counsel and no other previous cases was registered against the accused, this court is inclined to grant bail to the petitioners subject to



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the following condition."

32. In the above said matters, the above said cryptic order has been passed.

33. Let me extract the order in respect of in Crime No. 377 of 2023. After referring the submission made by both sides, extracting the submission on both sides, the final order reads as under:-

"13. Considering the arguments advanced by the both counsels and considering the facts and circumstances of the case and this court carefully perused material records placed before this court taking into consideration of the facts that accused are remanded to the judicial custody from 29.05.2023 to till today and further considering that accused are in judicial custody for last 4 days , considering the nature and facts of the case, considering the petition placed by the intervener/complainant, it is well know



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intervenor is not a complainant only third person, At this stage, this court is inclined to grant interim bail to the petitioner."

34.This is the subject matter of CrI.OP(MD)No.11111 of 2023, wherein only interim bail has been granted. In all other matters, regular bail has been granted.

35.By pointing out this, as mentioned above, the learned Senior counsel appearing for the petitioners would submit that absolutely, the parameters set out in the above said judgments have not been followed.

36.Per contra, the learned Senior counsel appearing for the private respondents/accused would submit that the bail is exclusively within the discretion power of the trial court. No doubt that discretionary must be exercised in the manner and by following the parameters set out. According to him, except the offence under section 506(2) IPC, all other offences are punishable only upto two years. Some unidentifiable persons, even according to the FIR, are involved in the above said



occurrence and there is a delay in filing the complaint and stereotyped allegations have been made in all the complainants. He would also referring to the judgment of the Hon'ble Supreme Court reported in **1978(1) SCC 118**, which was relied on by the learned counsel for the petitioners also. No new facts arise subsequent to the above said bail order. The accused are regularly complying the condition and staying away from the occurrence place and later, modification petition filed, that was also allowed. Now, they are regularly appearing before the 1st respondent. No post bail conduct, which are illegal in nature have also been brought on record.

37.No doubt that these petitions are not filed on the post-bail conduct of the accused. But, as mentioned earlier, the legality of no reasoned order is now under challenge.

38.It is further submitted by the learned Senior counsel appearing for the accused that sentiment of society should not be taken as a deciding factor in such matters, so also should not be taken a punishment before trial. So, according to the learned Senior counsel for the accused, absolutely, no interference is required at



the hands of this court.

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39.The Hon'ble Supreme Court in **Satender Kumar Antil Vs. Central Bureau of Investigation and others (2022 LiveLaw (SC) 577)** has also clarified its order over the direction in respect of category 'A'. The clarification is available in 2022 LiveLaw (SC) 577.

40.Let me extract the above portion for better appreciation:-

'Needless to say that the category 'A' deals with both police cases and complaint cases.

The trial Courts and the High Courts will keep in mind the aforesaid guidelines while considering bail applications. The caveat which has been put by learned ASG is that where the accused have not cooperated in the investigation nor appeared before the Investigating Officers, nor answered summons when the Court feels that judicial custody of the accused is necessary for the completion of the trial, where further investigation including a possible recovery is



needed, the aforesaid approach cannot give them benefit, something we agree with.

We may also notice an aspect submitted by Mr.Luthra that while issuing notice to consider bail, the trial Court is not precluded from granting interim bail taking into consideration the conduct of the accused during the investigation which has not warranted arrest. On this aspect also we would give our imprimatur and naturally the bail application to be ultimately considered, would be guided by the statutory provisions.

41.When recovery of articles and documents are required, this important aspect must be taken into account, while considering the bail application. This also missed the notice of the trial court, at the time of considering the bail.

42.In the case of ***Jagjeet Singh & another Vs. Ashish Mishra @ Monu and another (Criminal Appeal No.632 of 2022 decided on 18.04.2022)***, the three Judges Bench of the



Hon'ble Supreme Court, while dealing with the cancellation of bail orders, after elaborate discussion, has concluded that while entertaining the bail application, but the enquiry must be limited to find out the important parameters as set out in detail.

43.By pointing out the judgment in the case of ***Prasanta Kumar Sarkar Vs. Ashis Chatterjee and another (2010)14 SCC 486***, it has been stated that the bail order should indicate why the bail is being granted. But, as stated above, in the bail order, the trial court has not indicated any parameter. But the duration of custody of 3 days and more, has taken into account and it has been baldly stated that the facts and circumstances warrants grant of bail. But serious allegation of offence, recovery of documents or articles have not been discussed by the trial at all. In the above said case also, the Hon'ble Supreme Court remitted the matter back to the high court, which granted bail.

44.So, I am of the considered view that in this matter also, this court can adopt the very same procedure, since particulars of the documents and office seals alleged to have been snatched are not available



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45. So, all the matters are remitted back. In the facts and circumstances and in the light of the above said discussion, I am of the considered view that the bail applications must be decided by a Senior Judge. On that account, all the matters are remitted to the Chief Judicial Magistrate, Karur. The bail applications are restored to file on the respective courts and transferred to the Chief Judicial Magistrate, Karur, immediately. The Chief Judicial Magistrate, Karur, may assign new number and intimate the parties and decide the same on its own merit without being influenced by any of the observations made by this court by giving opportunity to the de-facto complainants and other parties concerned. The private respondents namely the accused are directed to surrender before the trial court. The bail applications must be decided by the Chief Judicial Magistrate, Karur, either on Monday itself I.e., 31/07/2023 or if not possible, within 3 days. Accordingly, all the bail orders are set aside.

46. With the above said direction, all the petitions stands **allowed** to the extent stated above.



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28/07/2023

Index:Yes/No
Internet:Yes/No
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Note:Issue order copy on 28/07/2023

To,

- 1.The Chief Judicial Magistrate,
Karur.
- 2.The Judicial Magistrate No.1,
Karur.
- 3.The Additional Mahila Court,
Judicial Magistrate Level,
Karur.
- 4.The Sub Inspector of Police,
Thanthonimalai P.S
Karur District.
- 5.The Inspector of Police,
Karur Town,
Karur.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G. ILANGO VAN, J

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Cr1.OP (MD) Nos.11106, 11108,
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