



WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/08/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.14481 of 2023

Balaji

... Petitioner/ Accused No. 11

Vs

State represented by
The Inspector of Police,
Virudhunagar West Police Station,
Virudhunagar District.
Crime No.116 of 2023.

... Respondent/Complainant

For Petitioners : M/s.T.Veerakumar, Advocate

For Respondent : Mr.B.Nambiselvan
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.116 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners / Accused No.11, who is facing charges for the alleged offence

under Sections 114, 147, 294(b), 323 and 353 of IPC and Section 3(1) of Tamil Nadu



Public Property (Prevention of Damage and Loss) Act, 1992 in Crime No.116 of 2023,
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on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant is the Deputy Superintendent of Central Prison, Virudhunagar. In the complaint it is stated that on 11.06.2023 at about 10.40 p.m., in the night, one Vadivel Murugan is an inmate prisoner was found in possession of a small knife. That was intimated by the co-inmates stating that they are under life threat. So the jail authorities searched the cell but found nothing. As a precautionary measure, the above said Vadivel Murugan was shifted to some other cell, where he picked up quarrel with co inmates and caused assault to one Eli Muthin Ahamed. He was joined by other inmates in causing assault to the Eli Muthin Ahamed. In the above said process, they also caused severe damage to the tube light and ceiling fans etc., worth about Rs.8,500/-. They were pacified by the jail authorities and the injured was taken to the hospital. A false information has been spread as if one Pandiarajan who is the brother of one Prasath is taken to the hospital. Because of the above said false information, other inmates in 9th cell caused damage to the tube light and ceiling fan. The said rioting continued in other cells also. From the information furnished by one Kannan, a small knife was recovered from the garbage area. The persons who indulging in the rioting were



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ordered to be shifted to Trichy Central Prison. In the above said process of transfer of 13 inmates, again indulged in rioting, making quarrel with the jail authorities. They also sustained injuries.

3. On the basis of the above said complaint, a case was registered against several persons and this petitioner is shown as 11th accused moved bail application before the learned Principal District Judge, Srivilliputhur, that came to be dismissed by order dated 31.07.2023. So this application has been filed subsequent to the above said dismissal.

4. The learned counsel for the petitioner would submit that several inmates who were detained in the several cells have been implicated in the rioting. This petitioner is no way involved in the occurrence. He was arrested in Crime No.108 of 2023. He was released on bail on 05.07.2023. Only at that time, he came to know that the present FIR has been registered against him also. From 06.06.2023, the petitioner is in custody.

5. The learned counsel for the petitioner would submit that even while making arrest in Crime No.108 of 2023, he was severely beaten and his leg was also broken by



the police. But however a false information has been given, as if it was accidental injury. For the above said fracture, he was admitting in the hospital on 05.06.2023. According to him, this would show that the petitioner could not have caused assault to the above said Eli Muthin Ahamed.

6. Considering the fact that it is a prison rioting, this Court is not inclined to grant bail to the petitioner. The name of the petitioner is also found place in the FIR which has been specifically stated that the petitioner has also joined with other co-inmates and caused assault to Eli Muthin Ahamed. Considering the seriousness of the allegations and it is a case of prison rioting, the bail application stands dismissed.

sd/-
09/08/2023

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/08/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNN

TO

1 THE INSPECTOR OF POLICE
VIRUDHUNAGAR WEST POLICE STATION,
VIRUDHUNAGAR DISTRICT.

2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.



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

ORDER
IN
CRL OP(MD) No.14481 of 2023
Date :09/08/2023

SS/VRS/31/08/2023/5P/4C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023