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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/08/2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

CRL OP(MD). Nos.14813 and 14814 of 2023

Prabhu @ Ayyanar Prabhu

... Petitioner/ Accused (Rank Not Known)
in Crl.O.P(MD) No.14813 of 2023

1. Gunasekaran

2. Thangavel

3. Balasubramani @ Balasubramanian

... Petitioners/ Accused 1 to 3
in Crl.O.P(MD) No.14814 of 2023

Vs

State Rep.by

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

Crime No.376/2023.

... Respondent/Complainant
in both petitions

K.Krishnakanth

... Petitioner/Intervenor
in CRL MP(MD).11977/2023 in CRL OP(MD).14813/2023
& in CRL MP(MD).11980/2023 in CRL OP(MD).14814/2023

For Petitioners
(in Crl OP(MD).14813/2023)

: M/s.Sundaravel, Advocate
for M/s. M.N.Rajapanth, Advocate.

For Petitioners
(in Crl OP(MD).14813/2023)

: M/s.Sundaravel, Advocate
for M/s. M.Suresh, Advocate.



For Respondent
(in Both Petitions)

: Mr.R.M.Anbunithi,
Additional Public Prosecutor

For Intervenor
(in Both Petitions)

: M/s.AR.L.Sundaresan, Senior Counsel
for M/s.A.P.Srinivas, Advocate

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

COMMON PRAYER :-

For Bail in Crime No.376 of 2023 on the file of the respondent police.

COMMON ORDER : The Court made the following order :-

The petitioners/accused were arrested and remanded to judicial custody on 26.05.2023 for the offences under Sections 147,323,353@ 147,323,353 and 506(ii) of IPC in Crime No.376 of 2023 on the file of the respondent police seek bail.

2. The case of the prosecution is that the defacto complainant namely one Krishnakanth, Assistant Director of Income Tax(inv) Unit-2(2) Income Tax Wing, Chennai at about 6.10 a.m., along with the search team reached the premises of the first accused namely and when they reached they found no one was available in the premises and the same was locked. Further the defacto complainant showed the warrant and got the signature and then started search in the premises of the first accused and there they found uncounted money of more than R.1,00,00,000/- and several other incriminating materials. Further the people started gathering near the premises and the first accused allowed to crowd nearly 100 peoples to enter into the premises where the search was being conducted The defacto complainant and other



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officials requested the first accused to disburse the crowd, he refused to do the same and the crowd snatched the laptop of the defacto complainant , five number of pen drives and they also threatened the government officials Further the accused persons have snatched away the cash available there which was estimated to be more than Rs.1 Crore and one C.P.U which was used as server. Thereafter the defacto complainant and other officials went to the office of the Superintendent of Police and when they reached the premises the first accused returned back the laptop of the defacto complainant and four number of pendrives and did not return one pen drive and thereafter the search was resumed. Further on 27.05.2023 the fifth pen drive which was taken was returned and when he verified the pen drives he noticed that the entire contents of the pen drive was erased and the same was formatted. Hence the defacto complainant preferred a complaint before the Superintendent of Police on 26.05.2023 and this case was registered.

3. The learned counsel appearing for the petitioners would contend that these petitioners have been falsely implicated in this case in Crime No.376 of 2023 for the offences under Sections 147,323,353 of IPC @ 147,323,353 and 506(ii) of IPC. Infact the petitioners have not committed any offence as alleged by the respondent police and the petitioners were remanded into judicial custody on 26.05.2023 and the petitioner in Crl.O.P(MD) No.14813 of 2023 was released on bail by the learned Judicial



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Magistrate No.I, Karur in CrI.M.P.No.3944 of 2023 on 01.06.2023 and the petitioners in CrI.O.P(MD) No.14814 of 2023 were released on bail by the learned Judicial Magistrate No.I, Karur in CrI.M.P.No.3903 of 2023 on 01.06.2023 with a condition that the petitioners shall sign before the Vellore North Police Station daily at 10.00a.m., until further orders. Thereafter the petitioners have filed a petition for condition relaxation before the learned Judicial Magistrate No.I, Karur and learned Magistrate has modified the condition directing the petitioners to sign before the learned Magistrate No.I, Karur once in a week on every Monday.

3.1. In the meanwhile the defacto complainant has filed a petition before this Court in CrI.O.P(MD) No.11115 of 2023 to cancel the bail granted to the petitioner in CrI.M.P.No.3944 of 2023 and to cancel the bail granted to the petitioners in CrI.O.P (MD) No.11110 of 2023 in CrI.M.P.No.3903 of 2023, wherein this Court has passed orders that all the matters are remitted to the learned Chief Judicial Magistrate, Karur for hearing afresh by setting aside the earlier bail orders.

3.2. In pursuance to the said order the petitioners surrendered before the trial Court on 31.07.2023 and thereafter they were remanded to judicial custody and then the petitioner in CrI.O.P(MD) No.14813 of 2023 has filed a petition for bail in CrI.M.P.No.5301 of 2023 dated 01.08.2023 and the petitioners in CrI.O.P(MD) No.14814 of 2023 have filed a petition bail in CrI.M.P.No.5299 of 2023 dated



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01.08.2023 before the learned Chief Judicial Magistrate, Karur and the same were dismissed on 01.08.2023. Against the above said dismissal order the petitioner in CrI.O.P(MD) No.14813 of 2023 and the petitioners in CrI.O.P(MD) No.14814 of 2023 have filed bail petition before the learned Principal District and Sessions Judge, Karur in Cr.M.P.Nos.1152 and 1161 of 2023 and the same were dismissed on 07.08.2023.

3.3. Now the petitioners have filed these petitions seeking bail stating that they have not committed any offence and the punishment for the offence under Section 147 of IPC is two years, 323 of IPC is one year, 353 of IPC is two years and 506(ii) of IPC is seven years and the offences are not serious in nature and the punishment is only very lesser punishment. Further the petitioners are in custody for more than 25 days and hence the bail application may be kindly considered in favour of the petitioners.

4. The learned Senior Counsel appearing for the defacto complainant filed intervening petitions in CrI.M.P(MD) Nos.11977 and 11980 of 2023 and the same were allowed to put forth his arguments. The learned Senior Counsel appearing for the intervenor reiterated the facts mentioned in the First Information Report and further submitted that the offences committed by the accused are against the public servant and this Court may kindly consider the injuries sustained by the Income Tax officials and damage caused to the vehicles. Further the documents which were snatched by



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the accused persons are still not recovered and this Court may consider that the search warrant itself was snatched by the mob and confidential documents and official seal, C.P.U and pen drives were also grabbed from the officials. Further other accused persons who were part of the mob are identified through video and photograph are to be secured by the police. Further the seriousness of offences and the enormity of the circumstances and the surrounding facts that a search was conducted by the Income Tax officials in exercise of their statutory powers was casually interfered with and search proceeding was disrupted and the officials were manhandled, roughed up, pendrive data erased and further the officials of Income Tax Department were admitted to the hospital for treatment and this incident had a sever demoralising effect on the Government Workforce and hence prayed for dismissal of the petition, hence prayed for dismissal of the petitions.

5. The learned Additional Public Prosecutor appearing for the respondent would submit that based on the complaint given by the defacto complainant they have registered the First Information Report in Crime No. 376 of 2023 and thereafter the investigating officer has investigated the case and so far examined 10 witnesses. Further some of the accused are still absconding and they are taking steps to arrest them. Further most of the properties were recovered and major portion of the investigation is completed.



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6. Heard both sides and perused the materials available on record.

7. According to the petitioners they have been falsely implicated in this case and no prima facie materials available as against them and they were arrested and remanded to judicial custody on 26.05.2023. The offences are only punishable below seven years. According to the intervenor the manner in which the occurrence committed is very serious in nature and the officials after explaining about their official capacity and while they conducted search the petitioners along with other accused manhandled them and important materials with regard to the search were also snatched by the accused persons and the offences are grave in nature. Further they snatched laptop, search warrant, pendrive and other things.

8. This Court has perused the records and on perusal of the records it is further observed that the investigating officer has examined only less number of witnesses and the investigation is not yet completed. Datas stored in the pendrive was erased and other accused also to be identified and some of the properties were recovered and some of the properties are still to be recovered. Though the offences are punishable upto seven years the Government Officials were threatened by the petitioners and others and the manner in which the occurrence took place is also to be taken into account Further the investigation officer so far examined 10 witnesses and investigation is also not completed, thereby Upon considering the rival submissions



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made by the either side counsels and upon considering that the investigation is at initial stage and the investigation officer only examined few witnesses and other accused also have to be identified and considering considering other aspects it is not appropriate to consider the bail application in favour of the petitioners at this stage and the petitions are liable to be dismissed.

9. Accordingly these Criminal Original Petitions stand dismissed.

sd/-
23/08/2023

/ TRUE COPY /

25/08/2023

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

AAV

TO

1 THE INSPECTOR OF POLICE, KARUR TOWN POLICE STATION, KARUR.
2 THE OFFICER INCHARGE, SUB JAIL, KARUR.
3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+2 CC to M/s.J.PAREKHKUMAR, Advocate (SR-12730[I] & SR-12731[I] dated 24/08/2023)

+1 CC to M/s.M.N.RAJAPANTH, Advocate (SR-12767[I] dated 24/08/2023)

+1 CC to M/s.SURESH, Advocate (SR-12768[I] dated 24/08/2023)



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ORDER
IN

CRL OP(MD). Nos.14813 and 14814 of 2023
Date :23/08/2023

RS//SAR-(25.08.2023) 9P 8C
Madurai Bench of Madras High Court is issuing
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