



CRL OP(MD). No. 14807 of 2023

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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

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1. Balraj @ Gym Balaji

2. Lawrance

... Petitioners / Accused No.4 & 5

Vs

1.State rep by

The Inspector of Police,

Karur Town Police Station,

Karur District.

(Crime No.378/2023.)

... Respondent / Complainant

2.Gall Srinivasarao

... Petitioner / Intervener

in CRL MP(MD) No.11987 of 2023

For Petitioners : M/s.G.Prabhu Rajadurai, Advocate.

for M/s.M.Ganthirajan, Advocate

For Intervenor : M/s. A.R.L.Sundaresan, Senior Counsel

for M/s.A.P.Srinivas, Advocate

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

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

PRAYER :-

For Bail in Crime No.378 of 2023 on the file of the respondent police.

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 and 506(ii) of IPC in Crime

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No.378 of 2023 on the file of the respondent police seek bail.

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2. The case of the prosecution is that the defacto complainant namely Galla Srinivasarao, the Inspector of Income Tax(Inv) Unit 2(1), Nungambakkam, Chennai along with search team consists of Aiswarya, S.Praveen, I Rajavel and Sushil Kumar reached the premises of one Thangamani at about 6.10 a.m., The defacto complainant rang the bell upto 6.30 am., as there is no response for the door bell, the said Praveen and Sushil jumped over the gate and knocked the main door. One Thangaraj was there and they entered the premises of Thangaraj and while the defacto complainant was analyzing the documents the defacto complainant saw a mob of people shouting and entering the premises along with ambulance and among the mob few people started beating Sushil Kumar and Sushil started running towards the defacto complainant and other team members. When the defacto complainant saw Sushil being dragged over steps to save the three ladies officials he took three lady officials to the terrace and tried to close the terrace door . Thereafter the mob broke the door and started beating the defacto complainant on his face and pulled him to the ground floor from the second floor dragging on steps. Further the mob scolded the defacto complainant and his team members in filthy language and they were manhandled. Further the said Thangamani directed the mob to beat the defacto complainant and his team members and they also took the



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evidences collected, mobiles and documents from 10.00 a.m., to 10.30 a.m., Further the said Thangamani loaded all the evidences, documents, gold jewellery and cash into ambulance and taken away. Thereafter the defacto complainant and his team members went to the office of the Superintendent of Police, Karur for shelter. Thereafter the defacto complainant was admitted in the hospital on 26.05.2023 and thereafter discharged on 28.05.2023. On 26.05.2023 the defacto complainant has lodged complaint before the respondent police.

3. The learned counsel appearing for the petitioners would contend that these petitioners have been falsely implicated in this case in Crime No.378 of 2023 for the offences under Sections 147,323,353 and 506(ii) of IPC . Infact these 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 petitioners were released on bail by the learned Judicial Magistrate No.I, Karur in Crl.M.P. No. 3908 of 2023 dated 01.06.2023 with a condition to sign before the Vellore North Police Station daily at 10.00 a.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 appear before the learned Judicial Magistrate No.I, Karur daily at 10.00a.m., until further orders. Again the petitioners have filed relaxation petition and the said



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condition was modified that the petitioners should sign before the learned Judicial Magistrate No.I, Karur once in a week on every Monday.

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3.1. In the meanwhile the defacto complainant has filed a petition before this Court in CrI.O.P(MD) No.11112 of 2023 to cancel the bail granted to the petitioners in CrI.M.P.No.3908 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 petitioners have filed a petition bail in CrI.M.P.No.5300 of 2023 dated 01.08.2023 before the learned Chief Judicial Magistrate, Karur and the same was dismissed on 01.08.2023. Against the above said dismissal order the petitioners have filed bail petition before the learned Principal District and Sessions Judge, Karur in Cr.M.P.No.1154 and the same was dismissed on 07.08.2023.

3.3. Now the petitioners have filed these petitions seeking bail 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



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and hence the bail application may be kindly considered in favour of the petitioners.

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4. The learned Senior Counsel appearing for the defacto complainant filed intervening petition in Crl.M.P(MD) Nos.11987 of 2023 and the same was 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 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 by the accused and search proceeding was disrupted and the officials were manhandled, roughed up and the vital documents were snatched by the mob and still the above said documents snatched by the accused are not recovered , hence prayed for dismissal of the petition.

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. 378 of 2023 and thereafter



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the investigating officer has investigated the case and so far examined 11 witnesses.

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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.

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.

8. This Court has perused the records and on perusal of the records it is seen that the investigation officer so far examined only less number of witnesses and investigation is also not yet completed. Further the confidential documents were also snatched by the mob and those documents have also to be recovered. Though the main offence is punishable only upto seven years and other offences are less than seven years, the Government officials were threatened by the petitioners and



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others and the manner in which the occurrence took place is also to be taken into account. Upon considering the rival submissions on either side counsels and upon considering that the investigation is at preliminary stage and the investigation officer only examined few number of witnesses and other accused also have to be identified and considering that some of the documents which were snatched by the mob also to be recovered and considering other aspects it is not appropriate to consider the bail application in favour the petitioners at this stage and the petition is liable to be dismissed.

9. Accordingly this Criminal Original Petition stands dismissed.

sd/-
23/08/2023

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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.

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+1 CC to M/s.J.PAREKHKUMAR, Advocate (SR-12733[I] dated 24/08/2023)

+1 CC to M/s.M.GANDHIRAJAN, Advocate (SR-12765[I] dated 24/08/2023)

ORDER

IN

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Date :23/08/2023

ED/ /SAR- (25/08/2023) 8P / 6C

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