



Crl.O.P(MD) No.14806 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

CRL OP(MD). Nos.14806 and 14808 of 2023

Selvam

... Petitioner/ Accused Rank not known
in Crl.O.P(MD) No.14806 of 2023

1. Vignesh @ Sabapathi
2. Sandy @ Satheeshkumar
3. Kanagaraj
4. Krishnan

... Petitioners/ Accused Rank not known
in Crl.O.P(MD) No.14808 of 2023

Vs

1.State rep by
The Inspector of Police,
Thanthonimalai Police Station,
Karur District.
(Crime No.260/2023.)

... Respondent/Complainant
in both petitions

2.S.N.Yogapriyanga

... Petitioner / Intervener
in CRL MP(MD) Nos.11982 and 11988 of 2023

(In both petitions)

For Petitioners : M/s.R.Gandhi, Senior Counsel
for M/s. Arun Prasad.A, Advocate.
For Intervenor : M/s. AR.L.Sundaresan, Senior Counsel
for M/s.A.P.Srinivas, Advocate
For Respondent : Mr.R.M.Anbunithi, Additional Public Prosecutor



Crl.O.P(MD) No.14806 of 2023

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

COMMON PRAYER :-

For Bail in Crime No.260 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.260 of 2023 on the file of the respondent police seek bail.

2. The case of the prosecution is that the defacto complainant who is the Deputy Director of Income Tax(Inv) Unit-1(4), Chennai at about 6.20 a.m., along with search team entered into the residential premises of one Subramani who is the partner of M/s.Kongu mess, Karur with the search warrant duly signed by the Principal Director of Income Tax, Investigation, Chennai. At that time the said Subramani refused to sign the warrant and he took his mobile phone and locked himself inside the washroom and made various calls while he was inside the washroom. Thereafter at 6.50 am., one Subramani and his friend came inside the premises at 7.05 a.m., warrant was executed upon the said Subramani in the presence of witnesses. Further about 7.00 to 7.30 a.m., the Director of Investigation (OSD) Chennai called the Inspector General of Police, Central and informed him about the search and sought for police protection. However no police personnel



Crl.O.P(MD) No.14806 of 2023

were deployed to assist the defacto complainant during search despite the request.

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Further at about 09.45 a.m, the daughter of the said Subramani stated that many people have gathered in front of the house and started climbing up the gate. The defacto complainant and other officials requested them to remain calm but the family members opened the door at that time a mob of 50-60 members entered into the search premises and started shouting using abusive and filthy language and they assaulted with hands and also grabbed the main folder from him and further the laptop bag containing office seal and name seal was also snatched by the mob. Thereafter the defacto complainant and other officers were pushed outside from the search premises and the mob kept on hitting the vehicle till the search team was moved outside the gate. Further the said Pankaj Kumar, Tax Assistant was admitted in the hospital and thereafter the search was again resumed. At that time the family members of the said Subramani stated that they did not know about the whereabouts of the said Subramani and when they asked for the official documents, seals, search warrant of the said Subramani they did not return the official documents, seals and search warrants and they stated that the mob took everything and they were not in possession of any items and they did not return the same till date. Thereafter the defacto complainant preferred complaint before the Thanthonimalai Police Station on 26.05.2023.



Crl.O.P(MD) No.14806 of 2023

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3. The learned counsel appearing for the petitioners would contend that these petitioners have been falsely implicated in this case in Crime No.260 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.14806 of 2023 was released on bail by the learned Judicial Magistrate No.I, Karur in Crl.M.P.No.3910 of 2023 on 01.06.2023 and the petitioners in Crl.O.P(MD) No.14808 of 2023 were released on bail by the learned Judicial Magistrate No.I, Karur in Crl.M.P.No.3945 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 petitioner in Crl.O.P(MD) No.14806 of 2023 filed a petition for condition relaxation before the learned Judicial Magistrate No.I, Karur in Crl.M.P.No.4096 of 2023 and the petitioners in Crl.O.P(MD) No.14808 of 2023 filed a petition for condition relaxation before the learned Judicial Magistrate No.I, Karur in Crl.M.P.No.4097 of 2023 and the learned Magistrate has modified the condition directing the petitioners to sign before the learned Judicial Magistrate No.I,Karur daily at 10.00 a.m., until further orders. Again the petitioners have filed a condition relaxation petition and the learned Magistrate has modified the said condition directing the petitioners to sign before the learned Magistrate No.I,Karur



Crl.O.P(MD) No.14806 of 2023

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 Crl.O.P(MD) No.11108 of 2023 to cancel the bail granted to the petitioner in Crl.M.P.No.3910 of 2023 and to cancel the bail granted to the petitioners in Crl.O.P (MD) No.11106 of 2023 in Crl.M.P.No.3945 of 2023, wherein this Court has passed order that all the matters are remitted to the learned Chief Judicial Magistrate, Karur for hearing afresh by setting aside the earlier bail order.

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 Crl.O.P(MD)No.14806 of 2023 has filed a petition for bail in Crl.M.P.No.5298 of 2023 dated 01.08.2023 and the petitioners in Crl.O.P(MD) No.14806 of 2023 have filed a petition bail in Crl.M.P.No.5297 of 2023 dated 01.08.2023 before the learned Chief Judicial Magistrate, Karur and the same were dismissed on 01.08.2023. Against the said orders passed in Crl.M.P.No.5297 of 2023 and 5298 of 2023 dated 01.08.2023 the petitioners filed bail application before the learned Principal District and Sessions Judge, Karur and the same were dismissed in Crl.M.P.Nos.1150 and 1151 of 2023 dated 07.08.2023 respectively.

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



Crl.O.P(MD) No.14806 of 2023

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 applications may be kindly considered in favour of the petitioners.

4. The learned Senior Counsel appearing for the defacto complainant filed intervening petitions in Crl.M.P(MD) Nos.11982 and 11988 of 2023 and the same were allowed to put forth their arguments. The learned Senior Counsel appearing for the intervenor stated that the offences are grave in nature and stated that after appropriate orders from the higher officials of the Income Tax Department the special team proceeded to search the residential premises of one Subramani, partner of M/s.Kongu Mess with the search warrant. At that time the said Subramani refused to sign the warrant, took his mobile phone and locked himself inside the washroom. Even after repeated request he did not come out and made various calls while inside the washroom. Further at about 6.50 a.m., the said Subramani came out of the washroom and one K.Balasubramani lawyer and his friend of the said Subramani came inside the search premises in the disguise of employee of CTS as an independent witness for Subramani.

4.1. Thereafter at about 09.45 a.m., while preliminary statement was being



Crl.O.P(MD) No.14806 of 2023

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recorded, Subramani's daughter said that many people have gathered in front of the house and started climbing up the gate. The Officers requested to not to open the door and requested them to remain calm. But the family members of Subramani opened the side door at that time mob of 50-60 members entered the search premises through side door and started shouting by using abusive , filthy language with obscene words against the search team and raised agitation against the Government of India. By that time the mob has surrounded the search team and pushed them to a corner against the main door. One person from the mob harshly thrashed/beaten the Pankaj Kumar with his bare hands and grabbed the main folder from him. Authorized officer's lap top bag containing official seal and name seal was also snatched by the mob. Thereafter at about 10.00am., the search team was pushed outside from the search premises and they kept on hitting the vehicle till the search team moved outside the gate.

4.2. The search team left the area and travelled to Superintendent of Police officer, Karur. The said Pankaj kumar was admitted in the Government Hospital, Karur as inpatient. Thereafter the search was again resumed on 01.06.2023 at the above premises escorted by CRPF. Further the said Subramani was not present in the premises and his family members claimed that they don't know the whereabouts of the said Subramani and mentioned that all their mobile phones



Crl.O.P(MD) No.14806 of 2023

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were taken away by the mob. The authorized officer requested Subramani's family members to return the official documents, seals , search warrant grabbed by the mob on 26.05.2023, however they lethargically replied that the mob took everything and they were not in a possession of any of the items mentioned. Thereafter she preferred complaint before the Superintendent of Police on 26.05.2023.

4.3. Further 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 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 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 , 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. 260 of 2023 and thereafter the investigating officer has investigated the case and so far examined 7 witnesses. Further some of the accused are still absconding and they are taking steps to arrest



Crl.O.P(MD) No.14806 of 2023

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 observed that the investigation officer so far examined 7 witnesses and investigation is also not completed. Most of the accused have to be identified and vehicles were also damaged 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.

Upon considering the rival submissions on either side counsels and upon



Crl.O.P(MD) No.14806 of 2023

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considering that the investigation is at preliminary stage and the investigation officer only examined only few number of witnesses and other accused also have to be identified and considering that some of the documents and properties are yet to be recovered and 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

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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,
Thanthonimalai 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-12734 and 12732[I] dated
24/08/2023.)

<https://www.mhc.tr.gov.in/judis>



Crl.O.P(MD) No.14806 of 2023

+2 CC to M/s.A.ARUN PRASAD, Advocate (SR-12764 and 12766[I] dated 24/08/2023)

ORDER
IN
CRL OP(MD). Nos.14806 and 14808 of 2023
Date :23/08/2023

ED/ /SAR- (25/08/2023) 11P / 8C

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