



CRL OP(MD). No. 14819 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). No. 14819 of 2023

1. Rubesh
  2. Arun
  3. Jothi Basu
  4. Boopathy @ Bullet Boopathy
- ... Petitioners / Accused No.1 to 4

Vs

1. State rep by  
The Inspector of Police,  
Karur Town Police Station,  
Karur District.  
(Crime No.377/2023.)
  2. Gayathry
- ... Respondent / Complainant
- ... Petitioner / Intervener  
in Crl MP(MD) No.11985 of 2023

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

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

PRAYER :-

For Bail in Crime No.377 of 2023 on the file of the respondent police.



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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 147,341,294(b),323,353,427,506(ii) of IPC and Section 4 of TNPHW Act in Crime No.377 of 2023 on the file of the respondent police seek bail.

2. The case of the prosecution is that the defacto complainant namely G.Gayathri, Inspector of Police Tax(Inv), Nungambakkam Chennai on 26.05.2023 along with search team namely one Bhim, Arjun and one K. Prasad reached the premises of one Ashok Kumar, at that time one Mayor Kavitha Ganesan came there. Further when one of the team member of the defacto complainant namely Arjun went to bring the laptop bag the mob started attacking the said Arjun and the mob entered the car parking area of the said premises and they scolded the said Arjun and other team members in a filthy language and few men pushed the defacto complainant and pushed her out of the gate and punched on the lower abdomen. Further some ladies including Mayor Kavitha Ganesan surrounded the defacto complainant and harassed her and scolded her in filthy language and the mob broken the glasses and mirror of the defacto complainant's car and they also threatened the defacto complainant and her team members to get into the car and leave from that place. Thereafter the defacto complainant preferred complaint on



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26.05.2023 and the same was taken on file by the respondent police and they arrested seven accused and the petitioners herein are arrayed as A1 to A4 in this case.

3. The learned counsel appearing for the petitioners would contend that these petitioners have been falsely implicated in this case in Crime No.377 of 2023 for the offences under Sections 147,341,294(b),323, 353, 427, 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 released on bail by the Additional Mahila Court at Magistrate Level, Karur in Crl.M.P. No. 918 of 2023 dated 01.06.2023 with a condition to sign before the Cuddalore NT Police Station daily at 10.00 a.m., until further orders. Thereafter the petitioners have filed a petition for condition relaxation before the Additional Mahila Court at Magistrate Level, Karur and learned Magistrate has modified the condition directing the petitioners to appear before the Additional Mahila Court at Magistrate Level, Karur daily at 10.00a.m., until further orders. Again the petitioners have filed relaxation petition in Crl.M.P.No.1074 of 2023 and the same was totally relaxed on 22.06.2023.

3.1.In the meanwhile the defacto complainant has filed a petition before this Court in Crl.O.P(MD) No.11111 of 2023 to cancel the bail granted to the petitioners in Crl.M.P.No.918 of 2023 wherein this Court has passed orders that



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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.5296 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.1153 2023 and the same was dismissed on 07.08.2023.

3.3. Now the petitioners have filed this petition seeking bail that they have not committed any offence and the punishment for the offence under Section 147 of IPC is two years, 341 of IPC is one month, 294(b) of IPC is six month, 323 of IPC is one year, 353 of IPC is two years, Section 4 of TNPHW Act is three 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 their bail application may be kindly considered in favour of the petitioners.

4. The learned Senior Counsel appearing for the defacto complainant filed



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intervening petition in Crl.M.P(MD) Nos.11985 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 with and search proceeding was disrupted and the officials were manhandled, roughed up misbehaved with the defacto complainant and physically attacked her. The defacto complainant was admitted for treatment and this incident had a severe demoralising effect and 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. 377 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



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.

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 and the public property i.e., vehicle was also damaged. The offences are punishable upto seven years and 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 considering that the investigation is at preliminary stage and the investigation officer only examined few number of



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witnesses and other accused also have to been 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 of 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

/ 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.

+1 CC to M/s.J.PAREKHKUMAR, Advocate ( SR-12729[I] dated 24/08/2023 )

+1 CC to M/s.M.ANBARASAN, Advocate ( SR-12769[I] dated 24/08/2023 )



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ORDER

IN

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Date :23/08/2023

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

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