



(1)CrI.OP(MD)No.14979 of 2023:-

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 22/08/2023

PRESENT

THE HON'BLE MR JUSTICE G.ILANGO VAN

CrI.OP(MD)Nos.14979 and 15100 of 2023

(1)CrI.OP(MD)No.14979 of 2023:-

Suresh @ Suresh Kumar

: Petitioner / Accused No.3

Vs.

The State rep by
The Inspector of Police,
Thillainagar Police Station,
Trichy City.

(Crime No.1336 of 2023)

: Respondent / Complainant

For Petitioner : Mr.KPS.Palanivelayutham, Senior counsel
For Mr.B.Jameelarasu, 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.1336 of 2023 on the file of the Respondent Police.

(2)CrI.OP(MD)No.15100 of 2023:-

Sasikumar

: Petitioner / Accused No.8

Vs.

The State rep by
The Inspector of Police,
Thillai Nagar Police Station,
Trichy City.

(Crime No.1336 of 2023)

: Respondent / Complainant



(1)Crl.OP(MD)No.14979 of 2023:-

For Petitioner : Mr.S.Sathya Chidambaram, 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.1336 of 2023 on the file of the Respondent Police.

COMMON ORDER: The Court made the following order:-

The petitioners/A3 and A8, who were arrested and remanded to judicial custody, on 15/07/2023 for the offences punishable under sections 147, 295, 297, 447 and 427 IPC, in Crime No.1336 of 2023 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the de-facto complainant lodged a complaint stating that near Thenur Farmers Market area, the properties belongs to Wakf aged about several hundred years namely Anarbargah Darga and Kabardasthan are situated. It is also used as burial ground. The property was originally handed to the Wakf Board in GS No.543. On 15/03/2023 at about 04.00 am in the morning, the accused by name I.P.Ramkumar, Vincent, Adaikalaraj, Pasupathi, Silambarasan and V.G.Nagarajan, Power Agent of Ramprakash, Rathinaprakash at the instigation of one Suresh and others, caused damage and destroyed the above said Kabardasthan. Similar occurrence was also taken place. on 01/01/2023 at midnight. In respect of the above said occurrence, WA(MD)No.1418



(1)CrI.OP(MD)No.14979 of 2023:-

of 2022 was filed before this court, which ended in their favour. On the basis of the above said occurrence, a case in Crime No.1336 of 2023 was registered for the offences stated above.

3.Elaborate discussion has been made by this court in CrI.OP(MD)Nos.13313 and 13457 of 2023, dated 01/08/2023 as to the issue, which is extracted herein for better understanding of the issue.

“7.Perusal of the CD file shows that some of the accused persons filed complaint, on 03/01/2023 against the de-facto complainant and others. That was enquired in CSR No.1 of 2023. In the complaint, it has been stated that some persons, who are unconnected with Ward-Y, Block-15 claiming right over the property as belongs to Wakf, trespassed into the same and illegally connected with electricity post. In the complaint, only this petitioner and others stated that right from 1981, the property belongs to them and having documents. Some of the persons belongs to Muslim religion claim that it belongs to Wakf. Before the Revenue Divisional Officer, no proper document was produced by the above said persons. On the basis of the complaint given by them before the Commissioner,



(1)Crl.OP(MD)No.14979 of 2023:-

WEB COPY

on 26/12/2022, he was granted with police protection. On 01/01/2023, trouble was made by the religious people. Along with the complaint, they have also produced the revenue records, which according to them, standing in their names. Enquiry was undertaken and during the course of enquiry, it was found that in respect of the issue between the parties, O.S No.7 of 2012 and I.A No.332 of 2021 is pending before the Wakf Tribunal and a Writ Petition in WP(MD)No.15353 of 2020 is also pending. Both were advised to work out their remedy in the pending suit and proceedings itself.

8.But later, on 01/01/2023, trouble again arose between them. Police team went to the place of occurrence and advised them to abide by the court orders and asked them not to make any alteration or work in that place. On that account, the above said CSR was closed.

9.Similarly, again complaint was also given by the de-facto complainant party, wherein it has been stated that the property has been demolished by the accused persons. That complaint was also closed. Subsequent to that only, the present



(1)Crl.OP(MD)No.14979 of 2023:-

occurrence has taken place, on 15/07/2023.

WEB COPY

10.No doubt that with regard to the title over the property, dispute exists between them. Both sides claim rival claim over the property. In respect of the above said, a matter is also pending before the Wakk Tribunal. Pending all these matters, and in spite of repeated advise given by the respondent police, it appears that the present occurrence said to have been taken place.

11.The learned Additional Public Prosecutor has also produced documents for the damage caused to the property. It is seen that in the early hours, the above said damage was made.

12.The learned Additional Public Prosecutor would further submit that on coming to know about the occurrence, the police team went to the occurrence spot and before that, demolition was completed. So according to him, because of this issue, religious tension also exists and police picketing has also been arranged. So during the course of investigation, prima facie case has been found out and some of the accused are also



(1)Crl.OP(MD)No.14979 of 2023:-

absconding.

13. So prima facie, it is seen that damage has been caused to Kabardasthan. The petitioners ought to have worked out their remedy through civil process. Instead of doing that, they have taken the law in their own hands and caused extensive damage.

This offence of this nature should not be taken lightly.”

4. The above said observation was made by this court when anticipatory bail was moved by some of the accused, no more discussion is required on the factual and title issue over the property. Now the petitioners have been arrested and remanded to judicial custody.

5. The learned Senior counsel appearing for the petitioners made only one point to the effect that no proper notice under section 41-A of the Criminal Procedure Code served upon the petitioners before making the arrest and during the course of the investigation.

6. The learned Additional Public Prosecutor has also submitted that still the police picketing has not been withdrawn considering the situation. On that account, the learned Senior counsel appearing for the petitioners would submit that they are ready to stay away from the occurrence place, whatever place ordered by this court.

7. Without going into the other aspects, bail is granted to the petitioners



(1)Crl.OP(MD)No.14979 of 2023:-

consideration the period of incarceration. Accordingly this court is inclined to grant
bail to the petitioners with certain conditions. Accordingly, the petitioners are
ordered to be released on bail on each of them executing a bond for a sum of Rs.
10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the
satisfaction of the learned Judicial Magistrate No.IV, Trichy and on further condition
that the petitioners shall stay at Salem and report before the Judicial Magistrate
No.1, Salem, daily at 10.00 a.m. until further orders.

sd/-
22/08/2023

/ TRUE COPY /

22/08/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

ER

To

1.The Judicial Magistrate No.IV,
Trichy.

2.Do through the Chief Judicial Magistrate,
Trichy District.

3.The Judicial Magistrate No.I,
Salem.

4.Do through the Chief Judicial Magistrate,
Salem District.



(1)Crl.OP(MD)No.14979 of 2023:-

5.The Inspector of Police,
Thillai Nagar Police Station,
Trichy District.

6.The Superintendent,
Central Prison, Trichy.

7.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.SATHYA CHIDAMBARAM, Advocate (SR-12599[I] dated
22/08/2023)

ORDER
IN

Crl.OP(MD)Nos.14979 and 15100 of 2023

Date :22/08/2023

ED/ /SAR- (22/08/2023) 8P / 9C

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