



CRL OP(MD). No.18747 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 18/10/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

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1. Marimuthu

2. Velladurai

3. Subbaiah

4. Gurusamy

... Petitioners/ Accused 3,5,9 & 13

Vs

The State represented by
The Inspector of Police,
Surandai Police Station,
Tenkasi District.
(Crime No.166/2023)..

... Respondent/Complainant

For Petitioner : Mr.M.Karunanithi, Advocate
for Mr.P.Subbiah, Advocate.

For Respondent : Mr.Rms.Sethuraman,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.166/2023 on the file of the Respondent Police.



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ORDER: The Court made the following order :-

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The petitioners/ Accused, who were arrested and remanded to judicial custody on 05.10.2023 for the alleged offence punishable under Sections 153, 153(A), 504, 505(1)(c) and 505(2) IPC, in Crime No.166 of 2023, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the named accused persons along with the villagers at Achankuttam village conducted a village meeting and decided not to send their children to Government aided Christian management school in their village and got their transfer certificates and demanded for establishment of government primary school in their village and the named accused and village people have arranged for private classes for 76 students till the establishment of Government School in the village and spreading defamatory and false messages in social media with intent to disturb the public and promoting enmity against the Christians. Hence, the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the



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prosecution and their names have been falsely implicated in this case. He would further submit that the petitioners herein were arrested and they are in jail from 05.10.2023 and hence, he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that there was a dispute between the village peoples with regard to functioning of school and the investigation of the case is pending.

5. On a perusal of the FIR, it is noticed that there there was a dispute between the village people with regard to the functioning of school.

5. Considering the nature of allegations made against the petitioners and also considering the period of incarceration and also taking into consideration of the principle stated by the Honourable Supreme Court in *Sanjay Chandra and others vs. CBI* reported in (2012)1 SCC 40 and the nature of the offence alleged by the petitioners, this Court is inclined to grant bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail on condition to execute own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each



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subject to the satisfaction of the learned Judicial Magistrate, Alankulam and on further conditions that:

(i) the petitioners shall appear before the trial Court on receipt of summons as directed by the trial Court.

(ii) the petitioners shall not tamper with evidence or witness;

(iii) the petitioners shall not abscond during trial.

(iv) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
18/10/2023

/ TRUE COPY /

18/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO



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1 THE JUDICIAL MAGISTRATE,
ALANGULAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE
SURANDAI POLICE STATION, TENKASI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.P.SUBBIAH, Advocate (SR-15345[I] dated 18/10/2023)

ORDER
IN

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Date :18/10/2023

SS/DD/18/10/2023/5P/7C

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