



Crl.O.P.(MD) No.23554 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

[Criminal Jurisdiction]

Date : 28.12.2023

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

Crl.O.P.(MD) No.23554 of 2023

Mahalingam

..Petitioner/ Accused No.3

Vs

The State Rep.by
The Inspector of Police,
Saptur Police Station,
Madurai District.
(Crime No.187 of 2023)

..Respondent/ Complainant

For Petitioner : M/s.C.Geetha,
Advocate

For Respondent : Mr.P.Kottaichamy
Government Advocate (Crl.Side)

PRAYER: Criminal Original Petition filed under Section 439 of the Criminal Procedure Code, 1973 (Act No.2 of 1974) praying to grant bail to the petitioner/A3 in Crime No.187 of 2023 on the file of the respondent police.



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ORDER : The Court made the following order :-
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This Criminal Original Petition has been filed by the petitioner on 26.12.2023 under Section 439 of the Criminal Procedure Code, 1973 (Act No.2 of 1974) praying to grant bail.

2. The petitioner/A3 was arrested and remanded to judicial custody on 03.12.2023 for the alleged offences punishable under Sections 294(b), 353, 307 of the Indian Penal Code, 1860 (Act No.45 of 1860) and Section 3(1) of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992 in Crime No.187 of 2023 on the file of the respondent police.

3. The defacto complainant is a Grade- I Police Constable at Peraiyur All Women Police Station. The case of the prosecution is that on 02.12.2023, at about 08.40 p.m., when a cultural program was going at Kethuvarpatti Village, Peraiyur Taluk, the defacto complainant and her team were on duty; that some persons disrupted the program and caused nuisance; that hence, the police have were dispersing them; that at that time, the accused persons came towards the police jeep and abused the defacto complainant in filthy words; that all of a sudden, A1 tried to



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assault defacto complainant with iron rod, which was thwarted; that then, A1 threw the iron rod on the front side of the jeep and damaged the front side mirror and that A2 to A4 pelted stones on the jeep and damaged the side doors. Hence, the case.

4. The learned counsel for the petitioner submitted that the petitioner is an innocent and a false case has been foisted against him. She would further submit that no one sustained injuries in the said occurrence and that the petitioner is in judicial custody since 03.12.2023. She further submitted that it was not the petitioner but some unknown persons who pelted stones on the jeep of the defacto complainant. Accordingly, she prayed to grant bail to the petitioner.

5. The learned Additional Public Prosecutor appearing for the respondent-police submitted that due to some quarrel that arose during the cultural program in the village, all the accused persons have assaulted the defacto complainant and also caused damage to the front side mirror of the police vehicle. Accordingly, he prayed to dismiss this Criminal Original Petition.

6. Heard on both sides. This Court has perused the records.



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7. Admittedly, no one sustained injuries in the said occurrence. According to the prosecution, the petitioner along with others have caused damage to the front glass of the police vehicle. The petitioner has permanent residence and deep roots in the society. Hence, there is less possibility of absconding.

8. Considering the above reason, the facts and circumstances of the case and the period of incarceration, this Court does incline to grant bail to the petitioner, however subject to certain conditions. Accordingly bail is granted to the petitioner subject to the following conditions:

(i) The petitioner shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) and furnish two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned Judicial Magistrate, Peraiyur;

(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate, Peraiyur shall obtain a copy of any one of identity proofs to ensure their identity;



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(iii) The petitioner shall appear and sign before the respondent police daily at 10.00 a.m., and 5.00 p.m., until further orders;

(iv) the petitioner shall deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of Crime No.187 of 2023 on the file of the respondent police pending before the learned Judicial Magistrate, Peraiyur without prejudice to his rights and defence;

(v) The petitioner shall not, directly or indirectly, cause any threat to the defacto complianant and witnesses;

(vi) On breach of any of the aforementioned conditions, the learned Judicial Magistrate is entitled to pass appropriate orders against the petitioner(s) in accordance with law as if the aforementioned conditions are imposed by themselves as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005)13 SCC 283].



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9. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

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28/12/2023

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29/12/2023
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1.THE JUDICIAL MAGISTRATE,
PERAIYUR, MADURAI DISTRICT.

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

3.THE INSPECTOR OF POLICE,
SAPTUR POLICE STATION,
MADURAI DISTRICT

4.THE OFFICER INCHARGE, SUB JAIL,
USILAMPATTI.

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

+1 CC to M/s.R.MAHESWARAN, Advocate (SR-18383[I] dated 28/12/2023)



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ORDER

IN

CRL OP(MD) No.23554 of 2023

Date :28/12/2023

RK (29/12/2023) 7P / 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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