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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2024

CORAM

THE HON'BLE MR. JUSTICE **C.V.KARTHIKEYAN**

Crl.OP.Nos.4077, 4080 & 4111 of 2024

1.Anandh Krishnan
2.Ganesh Kumar
3.Thangaraj
4.Manikandan ...Petitioners in Crl.O.P.No.4077 of 2024

1.Subramani
2.Subash Chandrabose
3.Manikandan ...Petitioners in Crl.O.P.No.4080 of 2024

1.Sabareeswaran
2.Santhosh Kumar
3.Vignesh @ Vigneshkumar ...Petitioner in Crl.O.P.No.4111 of 2024

Vs.

State rep. by
The Inspector of Police,
Pollachi West Police Station,
Coimbatore.
(Crime No.59 of 2024) ...Respondent in both Crl.O.Ps

COMMON PRAYER: Criminal Original Petitions are filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in FIR in Crime No.59 of 2024 on the file of the respondent police.

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For Petitioners
in all Crl.O.Ps : Mr.R.C.Paul Kanagaraj

For Respondent : Mr.L.Baskaran
in all Crl.O.Ps Government Advocate (Crl.Side)

COMMON ORDER

The accused Nos.8, 9, 10 & 11 have filed Crl.O.P.No.4077 of 2024 and the accused Nos.2, 5 & 6 have filed Crl.O.P.No.4080 of 2024 and the accused Nos.3,4 & 13 have filed Crl.O.P.No.4111 of 2024, all in Crime No.59 of 2024, registered by the respondent for the offences under Sections 143, 147, 153, 447, 427, 294(b), 323, 324 and 506(ii) of IPC and Section 4 of Prohibition of Harassment of Women Act, 2002 and subsequently, altered with Section 3(1) of TNPPDL Act, seek bail. They were remanded to judicial custody on 23.01.2024.

2.It is the case of the prosecution that all the accused who totally numbered 26, gathered together in front of the house of the defacto complainant and later, it is stated that the accused trespassed into the property and caused damages to the gate worth about Rs.2,000/- and damaged his mobile phone worth about Rs.10,000/-.

3.A counter affidavit had been filed on behalf of the respondent

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wherein it has been stated that during the course of investigation, the respondent had examined the defacto complainant, his wife, his sister and his father. It has also stated that they had remanded into custody several of the accused.

4.It is informed to this Court that they had also issued notice under Section 41-A Cr.P.C and also included further accused from A22 to A26.

5.It is thus seen that there is substantial progress in the investigation.

6.It is stated by the learned counsel for the petitioners that the reasons for such assembly by the petitioners and the reasons for the trespass into the house of the defacto complainant had not been stated by the defacto complainant.

7. It is stated by the learned Government Advocate (crl.side) that all the petitioners assembled and raised slogans against the Government. In the counter affidavit, it had been stated that the wound certificate of the defacto complainant had also been received from the Government District Head Quarters Hospital, Pollachi and in the wound certificate, it is stated that the injury is simple in nature.

8.Taking all the factors into consideration and the period of

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incarceration, this Court is inclined to grant bail to the petitioners subject to the following conditions.

9. Accordingly, the petitioners are ordered to be released on bail on condition to execute a separate 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 Judicial Magistrate No.II, Pollachi and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter, as and when required for interrogation.

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners 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

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down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

01.03.2024

vkr

To

1.The Judicial Magistrate No.II, Pollachi.

2.The Inspector of Police,
Pollachi West Police Station,
Coimbatore.

3.The Central Prison, Coimbatore.

4.The Public Prosecutor, Madras High Court.

C.V.KARTHIKEYAN, J.

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