



Crl.O.P.No.11970 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.05.2024

CORAM

THE HON'BLE MR. JUSTICE **R.SAKTHIVEL**

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1. Marappan
S/o.Erusappan

2.Cheran
S/o.Marappan
4

...Petitioners/ Accused No.1 &

Vs.

State represented by
The Inspector of Police,
Kolathur Police Station,
Salem District.
(In Crime No.131 of 2024)

...Respondent/ Complainant

For Petitioners : M/s.R.Pandimeena

For Respondent : Ms.M.Sumii Arnica
for Public Prosecutor

PRAYER: The Criminal Original Petition filed under Section 439 of the Criminal Procedure Code, 1973 (Act No.2 of 1974) praying to grant bail to the petitioners / accused in Crime No.131 of 2024 on the file of the respondent police.



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ORDER

This Criminal Original Petition has been filed by the petitioners on 13.05.2024 under Section 439 of the Criminal Procedure Code, 1973 (Act No.2 of 1974) praying to grant bail.

2. The 1st petitioner was arrested and remanded to judicial custody on 21.04.2024 and 2nd petitioner was arrested and remanded to judicial custody on 22.04.2024 for the alleged offences punishable under Sections 294(b), 452, 323, 324, 341, 436 and 506(Part II) of IPC and Section 3(1) of the Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992 TNPPDL Act in Crime No.131 of 2024 on the file of the respondent police.

3. The case of the prosecution is that on 20.04.2024 during the night hours, petitioners along with other accused went to the house of the defacto complainant and demanded liquor. When the same was refused by the defacto complainant, they assaulted him and set fire to the two wheeler bearing Registration No.TN52-U-2818, turmeric shed and caused damages to properties worth about Rs.1,00,000/-. Hence the case.

4. The learned counsel appearing for the petitioners submitted that



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the petitioners are innocents and they have not committed any offence as alleged by the prosecution. He further submitted that the petitioners are in judicial custody since 21.04.2024 & 22.04.2024 respectively. He therefore prayed to grant bail to the petitioners.

5. The learned Public Prosecutor appearing for the respondent police submitted that on 20.04.2024 during the night hours, petitioners along with other accused went to the house of the defacto complainant and demanded liquor. When the same was refused by the defacto complainant, they assaulted him and set fire to the two wheeler bearing Registration No.TN52-U-2818, turmeric shed and caused damages to properties worth about Rs.1,00,000/-. Hence, he objected to grant bail to the petitioners/accused.

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

7. On 20.04.2024 during the night hours, petitioners along with other accused went to the house of the defacto complainant and



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demanded liquor. When the same was refused by the defacto complainant, they assaulted him and set fire to the two wheeler bearing Registration No.TN52-U-2818, turmeric shed and caused damages to properties worth about Rs.1,00,000/-. The petitioners were arrested on 21.04.2024 and 22.04.2024 respectively. The petitioners have permanent residence and deep roots in the society. Hence, there is less possibility of absconding. Considering the nature of the offences alleged and the above factors, this Court is inclined to grant bail to the petitioners, however, subject to conditions. Accordingly, bail is granted to the petitioners subject to the following conditions:

(i) The petitioners shall execute a **bond for Rs.25,000/-** (Rupees Twenty Five Thousand only) each along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the **learned Judicial Magistrate No.1, Mettur.**

(ii) The petitioners shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh Only) (each Rs.50,000/-) to the credit of Crime No.131 of



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2024 before the learned Judicial Magistrate No.1, Mettur. In turn, the learned Judicial Magistrate shall deposit the said amount in a nationalized Bank initially for a period of one year and renew them periodically until the final order/judgment. Learned Judicial Magistrate or the Trial Court as the case may be shall pass order as to the disposition of the fixed deposit in the final order/judgment.

(iii) 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 shall obtain a copy of any one of identity proofs to ensure their identity;

(iv) The petitioners shall furnish their residence address and mobile number to the learned **Judicial Magistrate No.1, Mettur;**

(v) **The petitioners shall appear and sign before the respondent police daily at 10.30 a.m., until further orders;**

(vi) The petitioners shall not, directly or indirectly, cause any threat



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to the defacto complainant and witnesses and shall not tamper the evidence;

(vii) On breach of any of the aforementioned conditions, the learned Judicial Magistrate is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned conditions are imposed by him as laid down by the Hon'ble Supreme Court in ***P.K. Shaji vs. State of Kerala*** [(2005) 13 SCC 383].

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

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Index : Yes/No
Internet : Yes/No
Neutral citation : Yes/No
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Note:-



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1. Registry is directed to forthwith upload this order in the official website of this Court.
2. All concerned to act on this order being uploaded in official website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in official website of this Court will be watermarked and will also have a QR code.



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R.SAKTHIVEL. J.

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To

- 1.The Judicial Magistrate No.1, Mettur.
2. The Superintendent, Central Prison,
Salem.
- 3.The Inspector of Police,
Kolathur Police Station,
Salem District.
- 4.The Public Prosecutor, High Court of Madras.

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