



Crl.O.P.Nos.12505 & 12538 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.05.2024

CORAM

THE HON'BLE MR. JUSTICE C.SARAVANAN

Crl.O.P.Nos.12505 & 12538 of 2024

In Crl.O.P.Nos.12505 of 2024:

1.A.Periyannan,
S/o. Arumugam

2.P.Ramesh,
S/o. A. Periyannan

... Petitioners

Versus

State by its,
The Inspector of Police,
Thalaivasal Police Station,
Salem District.
(Crime No.107 of 2024).

... Respondent

In Crl.O.P.Nos.12538 of 2024:

1.Selvam,
S/o. Anthonymuthu

2. P. Mariyappan,
S/o. Poomalai

3.Elangovan,
S/o. Jayakumar

4.Deivanayagam,
S/o. Sridharan

... Petitioners



Crl.O.P.Nos.12505 & 12538 of 2024

Versus

State by its,
The Inspector of Police,
Thalaivasal Police Station,
Salem District.
(Crime No.107 of 2024).

... Respondent

COMMON PRAYER : Criminal Original Petitions filed under Section 439 of Cr.P.C., pleaded to enlarge the petitioner/accused on bail, in connection with the Crime No.107 of 2024, pending on the file of the respondent Police.

For Petitioners : Mr. T. M. Ramalingam
For Respondent : Mr. R. Vinothraja
Government Advocate (Crl.Side)

COMMON ORDER

The petitioners were arrested and remanded to judicial custody on 28.04.2024, for the offences punishable under Sections 147, 148, 447, 341, 294(b), 324, 354, 506(ii), 379 of IPC and Section 3(1) of the TNPPDL Act, 1984, in Crime No.107 of 2024, registered on the file of the respondent police. They seek bail.

2. The case of the prosecution is that the petitioners/A1 & A2 in Crl.O.P.No.12505 of 2024 and the petitioners/A3, A6, A9 & A10 in Crl.O.P.No.12538 of 2024 and few other co-accused had trespassed into the de-facto complainant's house on 28.04.2024 at about 12.00 hours, threatened



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her with dire consequences and forcibly took her signature in blank papers with an intention to cheat her and also looted articles worth about Rs.4 Lakhs. Further, they assaulted and abused her in filthy language. Hence, the complaint.

3. Learned counsel for the petitioners submitted that the petitioners are innocent persons and they are no way connected with the alleged offences, and a false complaint has been foisted against them. He further submitted that the petitioners, to show their *bona-fide*, are ready and willing to deposit a substantial amount without prejudice to their defence and contentions and also ready to abide by any stringent conditions that may be imposed by this Court. He also submitted that the petitioners are in custody from 28.04.2024. Hence, he prayed for grant of bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent Police submitted that the petitioners forcibly trespassed into the de-facto complainant's house and obtained her signatures in blank papers with an intention to cheat her and also looted articles from her home worth about Rs.4 Lakhs. Further, the petitioners/accused had assaulted the de-facto



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complainant and abused her in filthy language and also threatened her with dire consequences. The learned Government Advocate (Crl.Side) produced a copy of the letter dated 13.05.2024, issued by the Public Works Department in which, the damages caused by the petitioners is assessed as Rs.1,91,290/-. Hence, he opposed for grant of bail to the petitioners.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

6. Considering the facts and circumstances of the case, the submissions made by the learned counsel on either side and considering the fact that the petitioners have volunteered to deposit a substantial amount towards the damages alleged to have been caused by them, this Court is inclined to grant bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are directed to deposit a sum of **Rs.18,500/- (Rupees Eighteen thousand and Five hundred only) each** to the credit of Crime No.107 of 2024 and on receipt of such deposit, the



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petitioners are ordered to be released on bail on executing separate bonds 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.II, Attur, Salem**, 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 respondent police everyday 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



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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]***;

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

22.05.2024

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To

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



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C.SARAVANAN.,J.

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