



D.No.166A, 7/3, South Colony,

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/01/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). Nos.1032 and 1033 of 2024

1. Kamala @ Kamali,

2. Susaimanickam,

... Petitioners/ A3 and A4
in Crl.O.P.(MD)No.1032 of 2024

1.Siranjeevi @ Siranjeeviraja,

2. Thamrai,

... Petitioners/ A5 and A6
in Crl.O.P.(MD)No.1033 of 2024

Vs

The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District,
Crime No.614/2023.

... Respondent/ Complainant in both petitions

In both petitions:

For Petitioners : M/s.Sasidharan Tamilkani.S.T,
Advocate.

For Respondent : Mr.B.Nambi Selvan,
Additional Public Prosecutor



D.No.166A, 7/3, South Colony,

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

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COMMON PRAYER :-

For Bail in Crime No.614/2023 on the file of the respondent police.

COMMON ORDER : The Court made the following order :-

The petitioners/ A3 to A6, who were arrested and remanded to judicial custody on 13.12.2023 for the offences punishable under Sections 147, 447, 294(b), 427, 434 and 506(ii) of IPC and Section 3 of TNPPDL Act, in Crime No.614 of 2023, on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 20.09.2023, at about 07.00 a.m., the petitioners along with other accused persons trespassed into the defacto complainant's land and damaged the land and fencing stones and abused the defacto complainant in filthy language and also threatened him with dire consequences. Hence, the case.

3.The learned counsel appearing for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution and they have been falsely implicated in this case and they are in judicial custody from 13.12.2023



D.No.166A, 7/3, South Colony,

onwards and hence, he prays for grant of bail to the petitioners.

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4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners along with other accused persons trespassed into the defacto complainant's land and damaged the land and fencing stones. Hence, he strongly opposed to grant bail to the petitioners.

5.Heard. Perused the materials available on record including the First Information Report.

6.Considering the facts and circumstances of the case and also considering the period of incarceration suffered by the petitioners, this court is inclined to grant bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Kovilpatti, Thoothukudi District, and on further conditions that:

(a) the sureties shall affix their photographs and left thumb impression in the



D.No.166A, 7/3, South Colony,

surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners are directed to appear before the respondent police as and when required for interrogation;

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners shall not abscond 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 down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

(f) if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
23/01/2024

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23/01/2024
Sub-Assistant Registrar (AE)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

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TO
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1. The Judicial Magistrate No.II, Kovilpatti, Thoothukudi District.
2. Do-Through The Chief Judicial Magistrate,
Tuticorin District.
3. The Superintendent,
Central Prison, Palayamkottai, Tirunelveli District..
4. The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+2 CC to M/s.S.T.SASIDHARAN TAMILKANI, Advocate (SR-910,911[I] dated 23/01/2024)

ORDER
IN
CRL OP(MD) No.1032 of 2024
Date :23/01/2024

RK (23/01/2024) 5P / 8C

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