



D.No.6/3, Middle Street,

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/01/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). Nos.1074 and 1075 of 2024

1. Thamraiselvi @ Thamrai,

2. Siranjeevi @ Siranjeeviraja,

... Petitioners/ A3 & A4
in Crl.O.P.(MD)No.1074 of 2024

1. Kamala @ Kamali,

2. Susaimanickam,

... Petitioners/ A1 & A2
in Crl.O.P.(MD)No.1075 of 2024

3.Sandhiya

...Petitioner/Defacto Complainant
in Crl MP(MD)Nos.800 & 799 of 2024
in Crl OP(MD)Nos.1074& 1075/ 2024

Vs

The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District.

(Crime No.616 of 2023). ... Respondent/ Complainant in both petitions



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In both petitions:

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

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

For Intervenor : Mr.S.Balaji, Advocate

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

COMMON PRAYER :-

For Bail in Crime no. 616 of 2023 on the file of the Respondent Police.

COMMON ORDER : The Court made the following order :-

The petitioners/ A1 to A4, who were arrested and remanded to judicial custody on 14.12.2023 for the offences punishable under Sections 447, 294(b), 427, 434 and 506(ii) of IPC and Section 3 of TNPPDL Act, in Crime No.616 of 2023, on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 13.12.2023, the petitioners along with other accused had trespassed into the land of the defacto complainant, abused him in filthy language and damaged the land and fencing stones and also threatened him with dire consequences. Hence, the case.



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3.The learned counsel appearing for the petitioners would submit that due to property dispute between the parties, a false case has been foisted against them and the petitioners are in judicial custody from 14.12.2023 onwards. However, on instructions, the learned counsel would further submit that the petitioners, on their own volition, are ready and willing to deposit a sum of Rs.50,000/- to the defacto complainant directly by way of demand draft. He would further submit that the petitioner will not interfere with the peaceful possession and enjoyment of the defacto complainant's property with due process of law. Hence, they pray for bail.

4.The learned counsel for the intervenor has no serious objection for grant of bail to the petitioners.

5.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners are the habitual offender and apart from this case, they have two previous cases. Hence, he strongly opposed to grant bail to the petitioners.

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

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7.Considering the facts and circumstances of the case and also considering the fact that the petitioners have come forward to deposit a sum of Rs.50,000/- by way of demand draft drawn in favour of the defacto complainant for the alleged damage sustained to him, this court is inclined to grant bail to the petitioners with certain conditions.

8.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 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 deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) by way of demand draft drawn in favour of the de-facto complainant directly, without prejudice to their rights and contentions before the



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trial and on production of proof/acknowledgement, the learned Magistrate shall accept the sureties furnished by the petitioners;

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(c) the petitioners 1 and 3 shall report before the respondent police as and when required for interrogation; and the petitioners 2 and 4 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.

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

(e) the petitioners shall not abscond either during investigation or trial;

(f) 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;



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

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24/01/2024
Sub-Assistant Registrar (C.S- I)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

1. The Judicial Magistrate No.II, Kovilpatti, Thoothukudi District.
2. Do-Through The Chief Judicial Magistrate,
Thoothukudi 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-983, 982[I] dated 24/01/2024)

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ORDER
IN
CRL OP(MD) No.1074 of 2024
Date :24/01/2024

RK (24/01/2024) 7P / 8C

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