



CRL OP(MD). No.7402 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/05/2024

PRESENT

THE HON`BLE MRS.JUSTICE S.SRIMATHY

CRL OP(MD). No.7402 of 2024

1.Esakkiraja,

2.Sankarasubramanian,

3.Manikandan,

... Petitioners/ Accused 1,2 & 5

Vs

The Inspector of Police,
Devarkulam Police Station,
Tirunelveli District.
Crime No.226/2024.

... Respondent/Complainant

For Petitioners : Mr.K.Suyambulinga Bharathi.
Advocate.

For Respondent : Mr.A.Thiruvadikumar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime no.226 of 2024 on the file of the Respondent Police.



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ORDER : The Court made the following order :-

The petitioners /A1, 2 & 5, who were arrested and remanded to judicial custody on 08.05.2024, for the offence under Sections 143, 109, 291, 341, 294(b), 353, 323, 506(ii) of IPC and Section 3 of the Tamil Nadu Public Property (Prevention of Destruction and Loss) Act, 1982 in Crime No.226 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that with the allegation that the police officials belong to other community have harassed the Devar Community people, the petitioners along with other accused persons have raised slogans as against the police officials and prevented the Sub Inspector of police from discharging his duty on 08.05.2024. They have further demanded that the police officials belong to the Devar community alone to be posted in Devarkulam. The accused persons have also damaged the window of the Van, in which, they have brought to the Police station. Hence, the complaint.

3.The learned counsel appearing for the petitioners submits that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. However, they are languishing in jail from 08.05.2024. Hence, he prays for grant of bail to the petitioners.

<https://www.mhc.tn.gov.in/judis>



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4. The learned Additional Public Prosecutor appearing for the respondent police strongly opposes for grant of bail to the petitioners and submits that totally there are fifty eight accused in this case. The first petitioner/A1 is having ten previous cases, the second petitioner/A2 is having two previous cases and the third petitioner/A5 is having three previous cases to their credit.

5. Considering the facts and circumstances of the case and also taking note of the period of incarceration, this court is inclined to grant bail to the petitioners with some stringent conditions.

6. 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 learned Judicial Magistrate No.III, Tirunelveli and on further conditions that :-

- a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.
- b) the petitioners shall stay at Thanjavur and report before the Inspector of Police, Pattukkottai Town Police Station, Thanjavur daily at 10.30 a.m., until further orders. They shall co-operate for interrogation.
- c) the petitioners shall not abscond either during investigation or trial.



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- 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 are 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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
22/05/2024

/ TRUE COPY /

22/05/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

VRN
TO

1 THE JUDICIAL MAGISTRATE NO.III
TIRUNELVELI.



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- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE
DEVARKULAM POLICE STATION,
TIRUNELVELI DISTRICT.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI, TIRUNELVELI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE INSPECTOR OF POLICE
PATTUKOTTAI TOWN POLICE STATION,
THANJAVUR.

ORDER
IN
CRL OP(MD) No.7402 of 2024
Date :22/05/2024

PKP/22.05.2024/ 5P/ 7C

Madurai Bench of Madras High Court is issuing certified
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