



Crl.O.P.(MD)No.8617 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13.06.2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD).Nos.8617 and 8660 of 2024

Crl.O.P.(MD)No.8617 of 2024

1. Balamurugan

2. N.Mahendran

3. Chinnaraju @ Seeni

4. Petchiyappan

... Petitioners No.1 & 2/ Accused No.2 & 4

... Petitioners No.3 & 4/Unnamed Accused

Versus

State represented by
Inspector of Police,
Sivagiri Police Station,
Tenkasi District.

Crime no.177 of 2024

... Respondent/Complainant

For Petitioners : Mr.V.Kathirvelu

Senior Counsel

for Mr.K.Prabhu, Advocate

For Respondent : Mr.E.Antony Sahaya Prabahar

Additional Public Prosecutor

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



Crl.O.P.(MD)No.8617 of 2024

PRAYER :-

For Bail in Crime No.177 of 2024 on the file of the respondent Police.

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1. Duraipandi @ Duraipandian
2. Munees @ Kantheswaran
3. Sangilipandi @ Sathishkumar
4. Palpandi

... Petitioners/ Accused No.3,5 to 7

Versus

State Rep. by
The Inspector of Police,
Sivagiri Police Station,
Tenkasi District.
Cr.No.177/2024

... Respondent/Complainant

For Petitioners : Mr.C.Susi Kumar
Advocate

For Respondent : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.177 of 2024 on the file of the respondent Police.

COMMON ORDER : The Court made the following order :-

The respondent police registered a case as against the petitioners in Crime No.177 of 2024 for the offence under Sections 147, 148, 448, 294(B), 323, 427 and 506(ii) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act



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and Section 3(1) of Tamilnadu Public Property (Prevention of Damage & Loss) Act 1992 and remanded them into judicial custody on 28.05.2024. Therefore, the petitioners have filed these petitions seeking bail.

2. The case of the prosecution is that on 28.05.2024, there was a pongal festival in the temple. At that time, a dispute arose between the petitioners and the defacto complainant, due to which, the petitioners and other accused persons trespassed into the house of the defacto complainant, damaged the house hold articles, like, LED TV, Fridge, Mixer and other wood and steels worth about Rs.40,000/- and also assaulted the defacto complainant with hands and caused injuries.

3. The learned Senior Counsel appearing for the petitioners in Crl.O.P.(MD) No.8617 of 2024 and the learned counsel appearing for the petitioners in Crl.O.P. (MD)No.8660 of 2024 submit that except the offence under Section 4 of Tamil Nadu Prohibition of Harassment of Women Act and Section 3(1) of Tamilnadu Public Property (Prevention of Damage & Loss) Act 1992, all other offences are bailable in nature. They further submit that the petitioners, in order to show their *bona fide*, are prepared to deposit a sum of Rs.5,000/- each to the credit of Crime No.177 of 2024 before the concerned Court.



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4. The learned Additional Public Prosecutor appearing for the respondent opposes for grant of bail on the ground that the investigation is yet to be completed. He further submits that the second petitioner in Crl.O.P.(MD)No.8660 of 2024 is having one previous case and other petitioners are not having any antecedent.

5. Considering the nature of offence, the period of incarceration and also considering the fact that the petitioners are prepared to deposit a sum of Rs.5,000/- each to the credit of Crime No.177 of 2024, this Court is inclined to grant bail to the petitioners with certain conditions.

6. Accordingly, the Criminal Original Petitions are ordered and the petitioners are ordered to be released on bail

i) on the petitioners executing a bond for a sum of Rs.25,000/-(Rupees Twenty Five Thousand)each, with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Sivagiri, Tenkasi District and also on payment of Rs.5,000/- (Rupees five thousand only) each, to the credit of Crime No.177 of 2024 on the file the learned Judicial Magistrate, Sivagiri, Tenkasi District.

ii) The petitioners and the sureties shall submit a copy of their Aadhaar Card



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or any other identity card issued by the government in proof of their residence address;

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iii) The petitioners shall report before the respondent Police daily at 10.30 a.m. until further orders. They have to co-operate for the investigation.

iv) The petitioners shall not misuse the liberty granted to them by indulging in any further offence and shall not tamper with the prosecution witnesses. They shall be available for the trial as well.

v) On violation of any of the above conditions by the petitioners, the respondent police shall move an application for cancellation of the bail.

sd/-
13/06/2024

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13/06/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1 THE JUDICIAL MAGISTRATE
SIVAGIRI, TENKASI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.



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3 THE INSPECTOR OF POLICE
SIVAGIRI POLICE STATION,
TENKASI DISTRICT.

4 THE SUPERINTENDENT
CENTRAL PRISON, PALAYAMKOTTAI.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.K.PRABHU, Advocate (SR-6445[I] dated 13/06/2024)

ORDER
IN

CRL OP(MD).Nos.8617 and 8660 of 2024

Date :13/06/2024

SS/SAR- /13/06/2024/6P/7C

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