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Crl.A(MD)Nos.605 and 607 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 16.08.2024

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THE HONOURABLE MR. JUSTICE G.ILANGOVAN

Crl. A. (MD)Nos.605 and 607 of 2024

1.Crl.A(MD)No.605 of 2024:-

1.Murugavel @ Murugan
2.Saravanakumar
3.Yogeswaran : Appellants/Petitioner/
A2, A3 and A4

Vs.

1.The State Rep by
The Assistant Commissioner of Police,
Perumbalur Police Station,
Tirunelveli City,
Tirunelveli. : 1st Respondent/
Investigating Officer

2.The Inspector of Police,
Perumalpuram Police Station,
Tirunelveli.
(Crime No.273 of 2024) : 2nd Respondent/
Complainant

3.Sudalairaj,
District Committee Member CPI(M)
District Secretary,
Theendamai Olippu Munnani,
CPIM Office, Vinoba Nagar,
Reddiyarpatti,
Tirunelveli. : 3rd Respondent/
De-facto Complainant

Prayer: This Criminal Appeal is filed under Section 14(A) (2) of SC/ST (POA) Act, 2015 as amended by Act 1 of 2016, to call for the records relating to the order, dated 15/07/2024 made in Cr.M.P.No.2503 of 2024 on the file of



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the II Additional District and Sessions Court (PCR),
Tirunelveli and set aside the same as illegal and enlarge
the appellants on bail.

For Appellants : Mr.Gopalakrishna Lakshmanaraju
Senior Counsel
for Mr.P.Kannathasan

For R1 and R2 : Mr.M.Sakthi Kumar
Government Advocate
(Criminal side)

For 3rd respondent : Mr.L.Shaji Chellam

2.Cr1.A(MD)No.607 of 2024:-

1.Guruganesh
2.Sankar : Appellants/Petitioners/
A5 and A6

Vs.

1.The State Rep by
The Assistant Commissioner of Police,
Perumbalpuram Police Station,
Tirunelveli City,
Tirunelveli. : 1st Respondent/
Investigating Officer

2.The Inspector of Police,
Perumalpuram Police Station,
Tirunelveli.
(Crime No.273 of 2024) : 2nd Respondent/Complainant

3.Sudalairaj,
District Committee Member CPI(M)
District Secretary,
Theendamai Olippu Munnani,
CPIM Office, Vinoba Nagar,
Reddiyarpatti,
Tirunelveli. : 3rd Respondent/
De-facto Complainant



Crl.A(MD)Nos.605 and 607 of 2021

Prayer : This Criminal Appeal is filed under Section 14(A) (2) of SC/ST (POA) Act, 2015 as amended by Act 1 of 2016, to call for the records relating to the order, dated 15/07/2024 made in Cr.M.P.No.2503 of 2024 on the file of the II Additional District and Sessions Court (PCR), Tirunelveli and set aside the same as illegal and enlarge the appellants on bail.

For Appellants : Mr.Gopalakrishna Lakshmanaraju
Senior Counsel
for Mr.P.Kannathasan

For R1 and R2 : Mr.M.Sakthi Kumar
Government Advocate
(Criminal side)

For 3rd respondent : Mr.L.Shaji Chellam

COMMON JUDGMENT

These Criminal Appeal have been filed to call for the records relating to the order, dated 15.07.2024 made in Cr.M.P.Nos.2503 and 2504 of 2024 on the file of the II Additional District Judge, (PCR), Tirunelveli and set aside the same.

2.The case of the prosecution in brief:-

The girl and her lover went to approach the CPI(MD) party members for performing their marriage, since the girl belongs to Forward Community and the boy belongs to Schedule Caste. The parents of the girl lodged a



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complaint before the 2nd respondent police for missing their daughter. In this regard, the second respondent police registered a case in Crime No.270 of 2024, dated 13/06/2024 under 'Women Missing'. After that, they got a message that their daughter is held in CPI(MD) office. In pursuance of that, on 14/06/2024 at about 04.45 pm, all the accused entered into the District CPIM Party's Office situated at Reddiyarpatti, Palayamkottai in an unlawful manner and damaged the office and causing injury. Upon the complaint lodged by the 3rd respondent, a case in Crime No.273 of 2024 was registered for the offences under sections 147, 448, 294(b), 323, 353, 109, 506(i) of IPC and section 3 of TNPPDL Act and section 4 of TNPHW Act and section 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST (POA) Act,

3.The learned counsel for the appellants would submit that the appellants have been falsely implicated in this case and that the appellants are innocent persons and they have not committed any offence as alleged by the prosecution. He would further submit that that the appellants are in custody from 15/06/2024.

4.Heard both sides.



5.The bail applications moved by these appellants were dismissed by the trial court observing that threat to the life of the victim still exists and the investigation is in the preliminary stage. That order was passed on 15/07/2024.

6.Entire CD file has been called and perused. The 1st Respondent Police, who is the Investigating Officer is also present before this Court.

7.The learned counsel appearing for the appellants would submit that absolutely there is no intention on the part of the appellants herein to cause any damage or to cause hurt to the victim/injured. Their aim was to rescue and trace out the missing daughter of the second accused. Except that, nothing happened. In fact, they got injuries in that occasion.

8.Per contra, the de-facto complainant filed a detailed counter stating that an attempt was made by the appellants herein and other accused to honour kill the lovers. They sought assistance of the party office. Except that, they are not involved in the personal affairs. But in fact they are protecting the interest of the downtrodden community people. One such attempt is the present occurrence. Even though police picketing granted to their



office on the representation made by him, a mob threat by the first accused, who is the rowdy element having several cases, trespassed into the office, causing extensive damage and assault. They are even insulted one of the Lady Advocates. So according to him, this occurrence was spreading through out the nation and even the Chief Minister of Tamil Nadu condemned the attack. Life threat still exists. If the accused are released on bail, their life may be in danger.

9.Perusal of the CD file does indicate that problem arose due to the love affair between the daughter of the A3 and one Madhan Kumar. That love affair and the proposal for marriage was objected by A2 and their relatives. Having lodged a complaint before the police as the daughter is missing, the appellants ought to have approached the police for further action. But it appears that they wanted to take the law into their own hands, trespassed into the party office and caused several damage, causing injuries.

10.It is also seen that the police picketing was granted to the party office. But no permanent police protection was granted. When the mob entered into the party office and attacked the persons who were present there and caused damage, thereafter, only police came to the spot.



11.From the perusal of the CD file, it is seen that all the accused were thrown out of the of the office and later arrested. Their aim is nothing, but an act of brutal and daring act.

12.But the fact remains that they are in custody for more than 45 days and the investigation is almost completed and no bad antecedent is reported against these appellants. Apart from that, it is also seen that the appellants in Crl.A(MD)No.605 of 2024 belongs to Karaikudi, Trichy, Cholavathan areas. So far the appellants in Crl.A(MD)No.607 of 2024 are concerned, they belong to local area namely Pettai, Tirunelveli.

13.Considering the fact that the investigation is almost over, no purpose is going to be served in keeping the appellants in judicial custody. So without going into other aspects, the appellants are entitled for bail.

14.Accordingly, these Criminal Appeal are allowed and the order, dated 15/07/2024 made in Crl.M.P.Nos.2503 and 2504 of 2024 passed by the II Additional District and Sessions Judge (PCR), Tirunelveli is set aside. The appellants 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



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to the satisfaction of the II Additional Sessions Judge, (PCR), Tirunelveli and on further conditions that they must stay at Trichy and report before the Judicial Magistrate No.1, Trichy daily at 10.30 am until further orders. On no account, the appellants should enter the place of occurrence. They must also deposit Rs.25,000/- (Rupees Twenty Five Thousand only) each, as cash security before the concerned court to the credit of the Crime No.273 of 2024, apart from the personal security.

16/08/2024

Index : Yes/No
Internet : Yes/No
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To,

- 1.The II Additional District and Sessions Judge,
PCR Court, Tirunelveli.
- 2.The Assistant Commissioner of Police,
Perumalpuram Police Station,
Tirunelveli City,
Tirunelveli.
- 3.The Inspector of Police,
Perumalpuram Police Station,
Tirunelveli.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 5.The Superintendent,
Central Prison,
Palayamkottai,
Tirunelveli.



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G. ILANGO VAN, J

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