



CRL OP(MD) No.13289 and 13290 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 26.09.2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) Nos.13289 and 13290 of 2024

K.Sangilipandi @ Sangili Pandi

... Petitioner / Accused No.6
in CRL OP(MD) No.13289 of 2024

... Petitioner / Accused No.8
in CRL OP(MD) No.13290 of 2024

Versus

The Sub Inspector of Police,
Koppampatti West Police Station,
Thoothukudi.
[Crime No.33 of 2024]

... Respondent / Complainant
in CrIOP(MD)No.13289 of 2024

The Sub Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi.
[Crime No.237 of 2024]

... Respondent / Complainant
in CrIOP(MD)No.13290 of 2024

(In both petitions)

For Petitioner : Mr.K.R.Laxman, Advocate

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl. side)



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PETITIONS FOR ANTICIPATORY BAIL Under Sec.482 of Cr.P.C.

PRAYER :-

For Anticipatory Bail in crime Nos.33 of 2024 and 237 of 2024 on the file of the respondent Police respectively.

COMMON ORDER : The Court made the following order :-

The petitioner is accused no.6 in Crime No.33 of 2024, registered for the offence u/s.147, 435 IPC, Sections 3 & 4 of TN Public Property (Prevention of Damage & Loss) Act, on the file of the Koppampatti West Police Station, Thoothukudi; and he is accused no.8 in Crime No.237 of 2024, registered for the offence u/s.147, 148, 294(b), 323, 307, 506(2) IPC, on the file of the Kovilpatti West Police Station, Thoothukudi. He is apprehending arrest in these cases and as such, he has filed these petitions seeking anticipatory bail.

2.Apart from these two cases, the petitioner is also arrayed as an accused in Crime No.235 of 2024 on the file of the Kovilpatti West Police Station, Thoothukudi.

3.The petitioner is a relative of the first accused in all these three cases and he has been implicated through the confession statement of the co-accused. The first accused is said to have been involved in illegal transportation of essential commodities. The defacto complainant's son-in-law appears to have reported the same to the Police, based on which, a criminal case has been registered as against the



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first accused in Crime No.62 of 2024 for the offence u/s.6(4) of TNSC (RDCS) Order, 1982, r/w.7(1)(1)(ii) of EC Act, 1955. Under the impression that this case was registered as against the first accused on the complaint of the defacto complainant's son-in-law, the petitioner and the other accused are said to have hurled petrol bombs on the defacto complainant's house and caused damage to the tune of Rs.6 Lakh. The defacto complainant was also assaulted for having taken a video of the incident. Considering this nature of allegation, this Court dismissed the earlier applications filed by this petitioner.

4.The learned Counsel appearing for the petitioner submits that the petitioner has been implicated in all three cases, since he happens to be the relative of the main accused. All the three cases according to him were registered on 23.04.2024. Apart from these three cases, which were registered recently, he is not involved in any other case. He is a Mason by profession. However, he has been falsely implicated through the confession statement of the co-accused. By referring the case in Crime No.33 of 2024, the learned Counsel submits that the entire overt act in this case is as against the first accused and this petitioner is added as one of the accused along with 20 others, as if they were also present in the scene of occurrence. No specific overt act has been attributed as against this petitioner. Similarly in Crime No.237 of 2024 also the main overt act is attributed as against the first accused and there is no



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specific overt act as against this petitioner. He further submits that this petitioner was already granted anticipatory bail by this Court in Crime No.235 of 2024, which is also of similar in nature.

5.The learned Government Advocate (CrIside) submits that the first accused one Karthick is having business rivalry with the defacto complainant's son-in-law and on account of that on 22.04.2024 the petitioner and other accused have unlawfully assembled and also hurled petrol bombs on a four wheeler parked in the coconut grove and caused damage to the tune of Rs.6 Lakh. In the 2nd case, the petitioner in the similar manner waylaid the defacto complainant and attempted to murder him for having taken a video in the scene of occurrence in Crime No.235 of 2024. According to him the accused are involved in illegal transportation of PDS rice and they have assaulted the son-in-law of the defacto complainant that on his information only the case in Crime No.62 of 2024 was registered as against the first accused and his associates. He further submits that the investigation is in the preliminary stage and the prime accused is still in jail and there is chance of tampering with the witnesses.

6.Considering the nature of offence and the stage of the investigation this Court has dismissed the earlier anticipatory bail applications by order dated 03.06.2024. Even then the respondent Police have not secured the petitioner. In the



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meantime the petitioner has also obtained anticipatory bail in Crime No.235 of 2024, which was also registered on the same day on 23.04.2024. The respondent police have not even referred to the dismissal of the other applications filed by this petitioner in CrIOP(MD)No.6967 and 6990 of 2024 on 03.06.2024, and CrIOP(MD) No.9862 of 2024 on 04.07.2024, before the other Bench which dealt with the anticipatory bail application Crime No.235 of 2024.

7.As pointed by the learned Counsel for the petitioner, the petitioner has been added as an accused in a group of 20 and there is no specific overt act as against this petitioner except his presence in the unlawful assembly. Therefore, this Court earlier by order dated 28.08.2024 granted anticipatory bail to the petitioner with a direction to appear before the respondent police and also directed the respondent police to file a report as to the role played by the petitioner in this criminal case. The respondent police have filed a report that he was one of the members of the unlawful assembly. Admittedly the petitioner is not an accused in any other case, other than the cases registered on 23.04.2024. The Inspector of Police has also stated that this petitioner is working as a Mason. Further he is collecting ration rice from various places and helping the accused No.1 for the illegal transportation of the ration rice. The petitioner is not an accused in any other case under the Essential Commodities Act. Though the case was registered on 23.04.2024, the respondent Police have not



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collected any other material as against this petitioner except this overt act of a member of the unlawful assembly. The respondent police have also not secured the petitioner even after the dismissal of the earlier bail application. Therefore, this Court is inclined to grant anticipatory bail to the petitioner.

8. Accordingly, these criminal original petitions are allowed and the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate No.II, Kovilpatti on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Kovilpatti and on further conditions that:

- i. The petitioner and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the Government in proof of their residence address;
- ii. The petitioner shall appear before the respondent police daily. The petitioner shall co-operate for the investigation.
- iii. The petitioner shall not misuse the liberty granted to him by indulging in any further offence and shall not tamper with the prosecution witnesses. The petitioner shall be available for the



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trial as well.

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iv. On violation of any of the above conditions by the petitioner, the respondent police shall move an application for cancellation of the anticipatory bail.

sd/-
26/09/2024

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/09/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSK

To

- 1.The Judicial Magistrate No.II,
Kovilpatti.
- 2.Do through the Chief Judicial Magistrate,
Thoothukudi District.
- 3.The Sub Inspector of Police,
Koppampatti West Police Station,
Thoothukudi.
- 4.The Sub Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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+1 CC to M/s.K.R.LAXMAN, Advocate (SR-10520[I] dated 28/08/2024)

ORDER
IN

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Date :26/09/2024

ED/ JGB /SAR- (27/09/2024) 8P / 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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