



CRL OP(MD). No.16369 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/09/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

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Francis,

... Petitioner/ Accused No.9

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
Perumalpuram Police Station,
Tirunelveli City.
Crime No. 346/2024..

... Respondent/Complainant

For Petitioner : Mr.T.Leninkumar,
Advocate.

For Respondent : Mr,R.M.Anbunithi,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No. 346 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A9, who was arrested and remanded to judicial custody on



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21.08.2024 for the offences punishable under Sections 191(2), 191(3), 329(4), 126(2), 296(b), 109(1) & 351(3) of the Bharatiya Nyaya Sanhita (BNS), 2023, in Crime No.346 of 2024 on the file of the respondent police, seeks bail.

2.Heard both sides.

3.The occurrence arises out of a resource conflict. The defacto complainants are for a Corporate entity known as 'Johns Infrastructure Private Limited'. It has duly purchased several tracts of land at Arockiyanathapuram. However, in the said village, the boundaries of the said tracts of land are not symmetrical and Rough Sketch, which is furnished to this Court, is annexed here with. The shaded portion is alleged to be the land, belonging to the Company. The villagers have been accusing the Company that they are trying to take away the other persons' land also. The said fact is stoudly denied by the Company. The Company states that it is only trying to fence its own land. While so, the Advocates, the learned brothers, who are supposed to argue in court have unfortunately undertaken the task of identifying the boundaries and fencing the property and they have visited the spot along with a group of persons. On that day, the occurrence is said to have taken place. Many of the villagers are said to have formed into a riotous mob and they attacked the



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persons, who are cleaning the land on behalf of the corporate entity. In this process, one Advocate was killed and another Advocate has been seriously injured.

4. The case as far as the petitioner is concerned, it is seen that the petitioner is also working as a Line Inspector in the Tamil Nadu Electricity Board. He also has a Patta land in the said village. He is part of the Whats-App group, which the villagers have formed in the name and style of "Nila Meetpu kulu", in which, several messages, including the messages, which aim at violence, are also posted.

5. The further allegation is that he is also the part of the mob, and attacked the employees and the Advocates of the corporate entity. The FIR is categorical as to which of the accused, who attacked the deceased person with aruval and other weapons. As far as the first information report is concerned, there is no specific overt act on this petitioner. Secondly, after investigation, it is alleged that the role played by the petitioner is that he was part of the Whats-app group and was also part of the mob.

6. Considering the fact that there is no other overt act against the petitioner and that even on the said day, i.e., on 20.08.2024, at about 09.30 am, he reported for work



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and further considering the antecedents against the petitioner that he has got one previous case under Section 323 of Indian Penal Code, and the fact that he is in custody from 21.08.2024, this Court is inclined to enlarge the petitioner on bail with certain conditions.

7. Before parting with the instant case, while the investigation is going on and the culprits will be brought to book and they will be prosecuted, it can be seen that the conflict was because of the identification of the land and fencing of the property. It is seen that in the past also, there was a simmering conflict in the village. Therefore, this is a fit case, where the Investigating Officer shall send a copy of the First Information Report to the Revenue Divisional Officer concerned along with the copy of this order. The Rough Sketch Map is annexed to this order. The Revenue Divisional Officer, simultaneously can verify about the *prima facie* title in respect of those lands. Where both parties agree on the title those lands can be clearly demarcated and fenced. The contentious land also separately can be earmarked and kept, so that the parties can approach the civil court and establish the title. An attempt shall be made to convene a peace committee meeting so as to bring back peace in the village, so that, no further conflict again re-emerges on account of this dispute.



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8. In view of the factual situation in the local jurisdiction, the petitioner is permitted to execute the sureties before the learned Judicial Magistrate No.I, Madurai, and after execution of the sureties the learned Judicial Magistrate No.I, Madurai, is directed to transmit the papers to the jurisdictional court.

9. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Madurai.

(i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii) the petitioner shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter, as and when required for interrogation;

(iii) the petitioner shall not tamper with evidence or witness;



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iv)the petitioner shall not abscond during trial.

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v)On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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].

vi)If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
25/09/2024

/ TRUE COPY /

25/09/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS
TO
1 THE JUDICIAL MAGISTRATE NO.I TIRUNELVELI.

2 THE JUDICIAL MAGISTRATE NO.I MADURAI.



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3 DO-THROUGH :

THE CHIEF JUDICIAL MAGISTRATE, THIRUNELVELI DISTRICT.

4 DO-THROUGH :

THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

5 THE SUPERINTENDENT,

CENTRAL PRISON, PALAYAMKOTTAI..

6 THE INSPECTOR OF POLICE,

PERUMALPURAM POLICE STATION,
TIRUNELVELI CITY.

7 THE ADDITIONAL PUBLIC PROSECUTOR,

MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE REVENUE DIVISIONAL OFFICER,
MADURAI.

+1 CC to M/s.T.LENINKUMAR, Advocate (SR-11748[I] dated 25/09/2024)

ORDER

IN

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Date :25/09/2024

SS/SAR- /25/09/2024/7P/10C

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