



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

Thursday, the Eighteenth day of June Two Thousand Fifteen
PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM
CRL OP(MD) No.10556 of 2015

1 P.SELVARAJ
2 T.SIVAKUMAR
3 M.PATTANIMOHAN @ MOHAN
4 V.PALANI @ PALANICHAMY
5 T.PALRAJ

... PETITIONERS / ACCUSED NO. 1 TO 5

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
VILATHIKULAM POLICE STATION,
TUTICORIN DISTRICT.
CR. NO.132/2015.

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.O.SIVAKUMAR Advocate
For Respondent : Mr.K.V.RAJARAJAN, Government Advocate(crl.side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

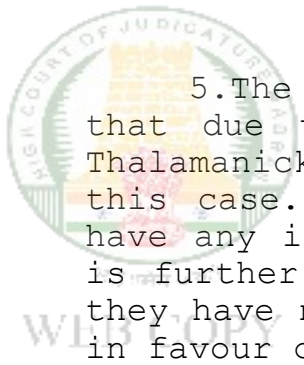
ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused Nos.1 to 5, apprehend arrest at the hands of the respondent police for an alleged offence punishable under Section 174 of Cr.P.C., altered into 306 of IPC, in Crime No.132 of 2015 on the file of the respondent police and hence, seek anticipatory bail.

2. One K.Muniyasamy lodged a complaint on 03.06.2015 alleging that on 02.06.2015 night at 10.00 p.m., his brother Arumugasamy set himself ablaze in a drunken mood and thereafter, he was shifted to a Government Hospital and he died on 03.06.2015.

3.After conducting preliminary investigation, the respondent altered the offence to Section 306 of IPC alleging that one Thalaimanickam, the brother of the first petitioner was arrested by the respondent police and to get him out from the custody, all the accused have instigated the deceased to set himself fire to divert the attention of the police.

4.The learned counsel for the petitioners submitted that the said Thalaimanickam conducted a demonstration on 18.05.2015 demanding public toilet and therefore, a case was registered by the respondent police in Cr.No.121 of 2015 and thereafter, another case was registered on 02.06.2015 alleging that the said Thalaimanickam had abused the respondent police. The respondent registered the case in Cr.No.131 of 2015 against the supporters of the said Thalaimanickam alleging that they created panic in the public by indulging in criminal activities.



5.The learned counsel for the petitioners further submitted that due to the dispute between the respondent police and said Thalamannickam, these petitioners have been falsely implicated in this case. It is further submitted that the petitioners did not have any intention to instigate the deceased to commit suicide. It is further submitted that the petitioners are innocent persons and they have not committed any offence and prays for anticipatory bail in favour of the petitioners.

6.The learned Government Advocate (Crl.Side) opposed the anticipatory bail application stating that the investigation is at initial stage and the accused have abutted the commission of offence.

7.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Vilathikulam and on each of them 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 Magistrate concerned and on further condition that the petitioner shall appear before the respondent police daily at 10.00 a.m., until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
18/06/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1.THE JUDICIAL MAGISTRATE,VILATHIKULAM
- 2.THE CHIEF JUDICIAL MAGISTRATE TUTICORIN.
- 3.THE ADDL. PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4.THE INSPECTOR OF POLICE
VILATHIKULAM POLICE STATION, TUTICORIN DISTRICT.
- +1. CC to M/S.O.SIVAKUMAR Advocate SR.No.32249

ORDER
IN
CRL OP(MD) No.10556 of 2015
Date :18/06/2015

RG.23.06.2015 2P/6C.