



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Friday, the Third day of July Two Thousand Fifteen
PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

WEB COPY

CRL OP (MD) Nos.12364,12363,12396,12362 and 12361 of 2015

1 SILUVAI LAYOLA KILLARI
2 DAVID
3 SOOSAI MICHAEL
4 MARIYA ANTONY
5 SURESH
6 JESU ADIMAI
7 DEVASAHAYAM CRUZ
8 SANTHIYAGU ROYAPPAN
9 LAWRENCE

... PETITIONERS/ACCUSED (RANK NOT KNOWN)
IN CRL OP (MD) NOS.12364 & 12363/2015

1 VENCILLO
2 RAJ
3 RAJ @ SILUVAI ARUL RAJA

... PETITIONERS/ACCUSED (RANK NOT KNOWN)
IN CRL OP (MD) NO.12396/2015

1 MICHAEL SUDHAKAR @ SUTTI SUDHAKAR
2 FRANKLIN
3 ANTHONY SEBASTHIYAN
4 XAVIER @ ANTHONY SILUVAI XAVIER
5 AJEETH
6 ANIS @ SUGAN ANIS
7 AJAI @ MARIA CHINNA AJAI

... PETITIONERS/ACCUSED (RANK NOT KNOWN)
IN CRL OP (MD) NOS.12362 & 12361/2015

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
KODANKULAM POLICE STATION,
TIRUNELVELI DT,
(CRIME NO.127/2015 IN CRL OP (MD) NO.12364/15
CRIME NO.126/2015 IN CRL OP (MD) NO.12363/15
CRIME NO.128/2015 IN CRL OP (MD) NO.12396/15
CRIME NO.127/2015 IN CRL OP (MD) NO.12362/15
CRIME NO.126/2015 IN CRL OP (MD) NO.12361/15)

.. RESPONDENT/COMPLAINANT IN ALL THE PETITIONS

For Petitioners: M/S.S.MALAİKANI Advocate
in CRL OP (MD) Nos.12364,12363,12362 and 12361 of 2015

For Petitioners: M/S.G.THALAİMUTHARASU, Advocate
in CRL OP (MD) No.12396 of 2015

For Respondent : MR.K.V.RAJARAJAN, Govt. Advocate (Crl. Side)



PETITIONS FOR BAIL Under Sec. 439 Cr.P.C.
in CRL OP(MD)Nos.12364,12363 & 12396 of 2015

PETITIONS FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.
in CRL OP(MD)Nos.12362 & 12361 of 2015

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COMMON ORDER : The Court Made the following order :-

The petitioners in Crl.O.P.(MD)No.12364 of 2015, who were arrested on 09.06.2015 for the alleged offences punishable under Sections 147, 148, 294(b), 307, 506(ii) IPC and Section 3(1) of TNPPDL Act and Sections 3 and 4 of E.S. Act in Crime No.127 of 2015 on the file of the respondent police have moved a petition for bail.

2.The petitioners in Crl.O.P.(MD)No.12396 of 2015, who were arrested on 09.06.2015 for the alleged offences punishable under Sections 147, 148, 294(b), 323, 324, 307 and 506(ii) IPC and Sections 3 and 4 of E.S. Act in Crime No.128 of 2015 on the file of the respondent police have moved a petition for bail.

3.The petitioners in Crl.O.P.(MD)No.12363 of 2015, who were arrested on 09.06.2015 for the alleged offences punishable under Sections 147, 148, 353, 294(b), 506 (ii) IPC and Section 3(1) of TNPPDL Act and Sections 3 and 4 of E.S. Act in Crime No.126 of 2015 on the file of the respondent police have moved a petition for bail.

4.The petitioners in Crl.O.P.No.12361 of 2015 apprehending arrest at the hands of respondent police for the alleged offences punishable under Sections 147, 148, 353, 294(b), 506 (ii) IPC and Section 3(1) of TNPPDL Act and Sections 3 and 4 of E.S. Act in Crime No.126 of 2015 on the file of the respondent police have moved a petition for anticipatory bail.

5.The petitioners in Crl.O.P.No.12362 of 2015 apprehending arrest at the hands of respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 307 and 506(ii) I.P.C and Section 3(1) of TNPPDL Act and Sections 3 of E.S. Act in Crime No.127 of 2015 on the file of the respondent police have moved a petition for anticipatory bail.

6.The case of the prosecution is that due to dispute in the marriage function, the accused persons unlawfully assembled themselves with country bombs and abused the defacto complainant and others with filthy language and they caused injuries by throwing the country bombs and also caused damages to the house.

7.The learned counsel for the petitioners submitted that the petitioners have not committed any offence as alleged by the defacto complainants.

8.The learned Government Advocate (Crl.Side) submits that some of the accused have previous cases and the injured had already been discharged from the hospital.

<https://hcservices.courtsinfo.in/hcservices/> has considered the submissions made by the learned counsel on either side and also perused the records.



10. Considering the period of incarceration of the petitioners, this Court is inclined to grant bail to the petitioners in Crl.O.P.(MD) Nos.12364 and 12363 of 2015. Accordingly, it is ordered that the petitioners shall be released on bail on each of them executing a separate 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, Valliyoor, and on further condition that the petitioners shall stay at Tiruchendur District and report before Tiruchendur Town Police Station at 10.00 a.m until further orders after their release on bail.

11. Considering the period of incarceration of the petitioners, this Court is inclined to grant bail to the petitioners in Crl.O.P.(MD) No.12396 of 2015. Accordingly, it is ordered that the petitioners shall be released on bail on each of them executing a separate 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, Valliyoor, and on further condition that the petitioners shall stay at Tuticorin District and report before North Police Station at 10.00 a.m until further orders after their release on bail.

12. As far as the anticipatory bail in Crl.O.P.(MD) Nos.12361 and 12362 of 2015 petitions are concerned, considering the submission of the learned Government Advocate (Crl.Side) that the injured had already been discharged from hospital, this Court is inclined to grant anticipatory bail to them. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Valliyoor, and on each of them executing a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties for a like sum to the satisfaction to the learned Magistrate concerned and on further condition that the petitioners shall stay at Tiruchendur District and report before Tiruchendur Town Police at 10.00 a.m until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. Scrupulously. 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/-

03/07/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE, VALLIYOOR, TIRUNELVELI DISTRICT.
2. DO-THRO' THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
3. THE OFFICER INCHARGE, TIRUCHENDUR TOWN POLICE STATION, TIRUCHENDUR DT.
4. THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.
- 5 THE INSPECTOR OF POLICE, KODANKULAM POLICE STATION, TIRUNELVELI DT
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,

MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+4. CCs to M/S.S.MALAIKANI Advocate SR.Nos.35767 to 35770

+1cc to Mr.G.Thalaimutharau, Advocate SR.No.35882

<https://hcservices.ecourts.gov.in/hcservices/>

ORDER IN

CRL OP(MD) Nos.12364,12363,12396,12362 and 12361/15

PA/SJW/03.07.2015/3P/12C

Date : 03/07/2015