



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

Wednesday, the Second day of September Two Thousand Fifteen

WEB COPY

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) Nos.17026 and 17039 of 2015

1 GOPAL
S/O.SELVARAJ

2 GURUSAMY
S/O.ARUMUGA PERUMAL

3 BABU
S/O.THIRAVIYAM

4 SRI ELUMALAI
S/O.LAKSHMANAN

5 NAGALINGAM
S/O.LAKSHMANAN

6 NARAYANAN
S/O.PONNAIAH

..PETITIONERS/ACCUSED Nos.7 to 10, 12 and 13
in CRL OP(MD)No.17026 of 2015

1 RAJAKUMARAN,
S/O. SIVALINGAM

2 MATHAN
S/O. LAKSHMANAN

3 VAIKUNDAMANI
S/O. SUBRAMANI

4 SIVAPERUMAL
S/O. BALAKRISHNAN

5 RADHA
W/O.SIVA PERUMAL

6 KALAI
W/O. CHANDRDAN

7 NATHAN
S/O. LAKSHMANAN

8 JEYACHANDRAN
S/O. EMARALAPERUMAL



9 VAIRAMANI
S/O. SIVALINGAM

10 SUKUMARAN
S/O. SHANMUGAVEL

11 ACHUTHAN
S/O.MUTHUKRISHNAN

..PETITIONERS/ACCUSED 1 TO 6,11,14,15 16 AND 17
IN BOTH THE PETITIONS

Vs.

THE STATE REP.BY
THE INSPECTOR OF POLICE
ANJUGIRAMAM POLICE STATION,
KANYAKUMARI DISTRICT.
(CRIME NO.431 OF 2015)

... RESPONDENT/COMPLAINANT
IN BOTH THE PETITIONS

For Petitioners
in Both the Petitions : M/S P.T.RAMESH RAJA Advocate

For Respondent
in Both the Petitions : MRS.S.PRABHA,
Govt. Advocate (Crl. Side)

For Intervenor
in Both the Petitions : M/S.T.AKALYA for M/S.AJMAL ASSOCIATES,

PETITIONS FOR BAIL IN CRL OP(MD)No.17026 OF 2015
Under Sec. 439 Cr.P.C.

PETITIONS FOR ANTICIPATORY BAIL IN CRL OP(MD)No.17039
OF 2015 Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

In Crl.O.P.(MD)No.17026 of 2015, the petitioners, who are arrayed as accused Nos.7 to 10, 12 and 13, in Crime No.431 of 2015 on the file of the respondent police, were arrested on 21.08.2015 for the alleged offences punishable under Sections 147, 148, 294(b), 323, 506(ii) of I.P.C., and Section 3(1) of Tamil Nadu Prohibition of Harassment of Women Act and hence, seek bail.

2. In Crl.O.P.(MD)No.17039 of 2015, the petitioners, who are arrayed as accused Nos.1 to 6, 11, 14, 15, 16 and 17 apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 323, 506(ii) of I.P.C., and Section 3(1) of Tamil Nadu Prohibition of Harassment of Women Act in Crime No.431 of 2015 and hence, seek anticipatory bail.

3. The case of the prosecution is that on 20.08.2015 at 6.30 a.m., the accused assaulted the de-facto complainant's party and also caused damage to the tune of Rs.70,000/-.

4. The learned counsel for the petitioners submitted that this is a case of case and counter and both the accused and the de-facto complainant belonging to the same caste and community and however,



there is a dispute exists between them in respect of the temple festival and that the petitioners are worshipping god in Narayanaswamy temple, while the de-facto complainant's parties are worshipping Inthu Veetu Swamy temple.

WEB COPY

5. It is further submitted by the learned counsel for the petitioners that in respect of the dispute, a civil suit in O.S.No.188 of 2015 is pending and due to the civil dispute, they have been falsely implicated in this case.

6. Per contra, the learned counsel for the intervenor vehemently opposed granting of bail and anticipatory bail to the petitioners contending that the de-facto complainant's party have been ex-communicated by the accused party and on 20.08.2015, they have attacked the de-facto complainant's party with lethal weapons and caused injuries to six persons and the accused have also involved in Katta Panchayat. It is further submitted that the de-facto complainant's party has filed a writ petition in W.P.No.14653 of 2015 for direction to the police station to take action against the accused and after receiving the notice, they have indulged in the offences. It is further submitted that the accused have prevented the de-facto complainant's party from taking water from a common well.

7. The learned Government Advocate (Crl.side) submitted that the injured persons have been discharged from the hospital.

8. Considering the facts and circumstances of the case, this Court is inclined to grant bail to the petitioners in Crl.O.P.(MD).No.17026 of 2015 with certain conditions. Accordingly, the petitioners 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 to the satisfaction of the learned Judicial Magistrate No.III, Nagercoil and on further condition that the petitioners shall deposit a sum of Rs.5,000/- (Rupees Five Thousand only) each to the credit of Crime No.431 of 2015 before the learned Judicial Magistrate No.III, Nagercoil and the petitioners 2 to 6 shall appear before the respondent police daily at 10.00 a.m. until further orders and the first petitioner/A7 shall appear before the respondent police as and when required.

9. Insofar as the petitioners in Crl.O.P.(MD).No.17039 of 2015 are concerned, 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 their arrest or on their appearance before the learned Judicial Magistrate No.III, Nagercoil and 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 to the satisfaction of the learned Magistrate concerned and on further condition that the petitioners shall deposit a sum of Rs.5,000/- (Rupees Five Thousand only) each to the credit of Crime No.431 of 2015 before the learned Judicial Magistrate No.III, Nagercoil and the petitioners 1 to 4 and 7 to 11 shall appear before the respondent police daily at 10.00 a.m. until further orders and the petitioners 5 and 6 shall appear before the respondent police as and when required. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.



WEB COPY

10. 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/-

02/09/2015

/ TRUE COPY /

Sub-Assistant Registrar

TO

1 THE JUDICIAL MAGISTRATE NO.III
NAGERCOIL.

2 -DO- THRO' THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI AT NAGERCOIL.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

4 THE OFFICER-IN-CHARGE,
DISTRICT JAIL, NAGERCOIL.

5 THE OFFICER-IN-CHARGE
BORSTAL SCHOOL, NANGUNERI.

6 THE INSPECTOR OF POLICE
ANJUGIRAMAM POLICE STATION,
KANYAKUMARI DISTRICT.

+2. CC to M/S P.T.RAMESH RAJA Advocate SR.Nos.50786 and 50787

akm/02.09.2015 /2p-9c/

ORDER

IN

CRL OP (MD) Nos.17026 and 17039 of 2015
Date :02/09/2015