



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

Monday, the Eleventh day of January Two Thousand Sixteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) Nos.24260 and 24427 of 2015

WEB COPY

1 PALMONI

S/O. THANGA RETHINAM

2 PRABHU @ THANGA SURESH

S/O. CHELLAPPAN

3 NISHANTH

S/O. MOHANDAS

4 SATHAN

S/O. KUMARESAN @ MURUGESAN

5 KASI

S/O. RAMASAMI

6 SRIPADAMANABHAN

S/O. RAMAKRISHNAN

7 SOMASUNDARAM

S/O. VELAYUDA PERUMAL NADAR

8 MURUGESAN

S/O. SIVALINGAM

9 SUBIN

S/O.CHELLASWAMY ..PETITIONERS/ACCUSED 7,8,11,12,18,24,25,34 AND 35
IN CRL OP(MD)No.24260 OF 2015

1 GOPALAN @ GOPALA KRISHNAN

S/O. PANCHUPAZHAZM @ PONNAMBALAM

2 SANTHAKUMAR

S/O. SUBRAMANIA NADAR

3 KANNAN

S/O. THANGAVEL

4 NIKESH

S/O. MOHANDHAS

5 BALAKRISHNAN

S/O. PARAMASIVAN

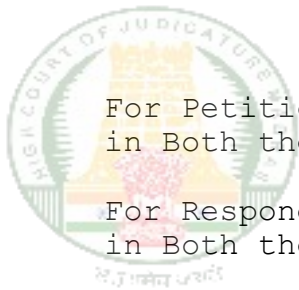
..PETITIONERS/ACCUSED 1 TO 5
IN CRL OP(MD)No.24427 OF 2015

Vs.

STATE REP.BY
<https://hcservices.ecourts.gov.in/hcservices/>

THE INSPECTOR OF POLICE,
ERANIEL POLICE STATION, KANYAKUMARI DISTRICT.
CR.NO.865 OF 2015

..RESPONDENT/COMPLAINANT
IN BOTH THE PETITIONS



For Petitioners
in Both the Petitions : M/S L.VICTORIA GOWRI Advocate

For Respondent
in Both the Petitions : MR.K.ANBARASAN,
Govt. Advocate (Crl. Side)

For Intervenor
in Both the Petitions : MR.MANIMARAN, Advocate

PETITIONS 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, 7,8,11,12,18,24,34 & 35, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 379, 295(A), 506(ii) of IPC and Section 3(1) of TNPPDL Act, in Crime No.865 of 2015 on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that the accused persons trespassed into the Pilavendran Compounder Complex, compound belonging to the defacto complainant with deadly weapon threatening the de-facto complainant to close the shop and damaged the name Board, Bathroom door and Water Tank and threatened not to put up the name Board as 'Nullivilai'. On the complainant, given by the defacto complainant, the case has been registered for the above said offences.

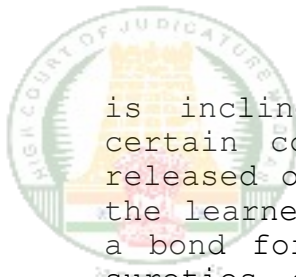
3.The case of the petitioners is that the name of the village is only Peyankuzhy, which denotes Lord Shiva. It is a communally sensitive hamlet since 1960. The minority community people want to change the name as Nullivilai and Perinbapuram instead of Peyankuzhy. Therefore, there is a communal dispute from 1960 between two section of people. The District Collector passed an order that name Peyankuzhy should not be disturbed and should not put up board mentioning Nullivilai and Perinbapuram instead of Peyankuzhy. Contrary to the order passed by the District Collector, the defacto complainant has put up the name board as Nullivilai. The petitioners and other accused decided to conduct a protest before Pilavendran Compounder Complex seeking not to install the name board of the proposed benefit fund as Mulagomoodu Vattara Catholic Benefit Fund, Nullivilai. The Village Administrative Officer has given a complaint against the defacto complainant for putting the name board as Nulivilai.

4.The learned counsel for the intervenor submitted that the petitioners and other accused entered into the premises of the defacto complainant and damaged the properties and there is no violation of the orders passed by the District Collector and they strictly followed the orders and the petitioners and other accused damaged the property worth Rs.2,65,200/- and still police picketing is there.

5.The learned Government Advocate(Crl.side) submitted that there is a communal dispute between two groups and the investigation is pending and still police picketing is there.

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

6.Considering the facts and circumstances of the case and also considering the fact that already there is a communal riot, 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, Eraniel 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 petitioners shall reside at Trichy and appear before the Trichy Cantonment Police station daily at 10.30 a.m., until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7. 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/-
11/01/2016

/ TRUE COPY /

Sub-Assistant Registrar

TO

1 THE JUDICIAL MAGISTRATE,
ERANIEL.

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

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

4 THE INSPECTOR OF POLICE
ERANIEL POLICE STATION, KANYAKUMARI DISTRICT.

5 THE INSPECTOR OF POLICE,
TRICHY CANTONMENT POLICE STATION, TRICHY.

+2CC to M/S L.VICTORIA GOWRI Advocate SR.Nos.1852 and 1855

akm/20.01.2016/ 3p- 8c/AAL/MPA/SAR-II

ORDER

IN

CRL OP(MD)Nos.24260 and 24427 of 2015

Date :11/01/2016