



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

Friday, the Twenty Second day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.10074 of 2016

1 MUTHUKUMAR
2 ERANIAN @ PERUMAL
3 BEEMARAO
4 GURUSAMY
5 MUTHU
6 PERIASAMY
7 PANDI
8 RAJKUMAR
9 SELVAMANI
10 PRAKASH
11 NAGARAJ
12 PERUMAL
13 RASU
14 VASANTHI
15 ALAGAMMAL

... PETITIONERS/ACCUSED 1 TO 15

Vs

STATE REP BY ITS
THE INSPECTOR OF POLICE
MELUR POLICE STATION, MADURAI DISTRICT.
(CRIME NO.582/2016)

... RESPONDENT/ COMPLAINANT

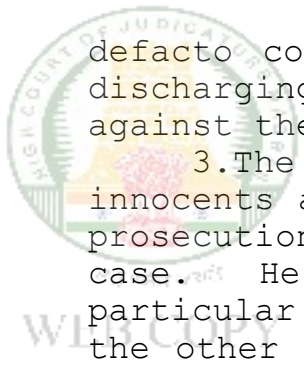
For Petitioner : M/S K.MALATHI Advocate
For Respondent : M/S.P.KANNITHEVAN,
Government Advocate (Crl. Side)

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 15, apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 447, 353, 328, 153 and 506 (i) IPC, in Crime No.582 of 2016, on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and others in violation of the order of the District Collector assembled unlawfully and erected flag Post of a particular political party. When the same was questioned, the accused persons attacked the



defacto complainant and respondent Police and prevented them from discharging their duty. On complaint, a case has been registered against the petitioners.

3.The case of the petitioners is that the petitioners are innocents and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case. He further submitted that the petitioners belonged to a particular political party and this is the case and counter case and the other group already enlarged on bail in the complaint given by petitioner and prays for enlarging the petitioners on bail. The co-accused were already granted bail by this Court vide order dated 13.07.2016 made in Crl.O.P(MD)No.11463 of 2016.

4.The learned Government Advocate(Crl.side) submitted that the petitioners along with other accused persons in violation of the order issued by the District Collector trespassed into the prohibited area and erected the flag post and it has resulted in communal clash. There are counter cases in Crime Nos.583, 584 of 2016 and 586 of 2013, registered under Section SC/ST Act and picketing is still in force in that area. If the petitioners are granted anticipatory bail, it will create communal clash in the area.

5.Considering the allegations levelled against the petitioners and pendency of the case and counter cases and also considering the fact the co-accused were already granted bail, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, they are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Melur, on condition that each of the petitioners shall execute 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (i) the petitioners shall stay at Coimbatore and report before the Singanallur Police Station daily at 10.00 am until further orders.
- (ii) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioners shall not abscond either during investigation or trial.
- (iv) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**.



6.The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioners are complying with the conditions or not.

WEB COPY

sd/-
22/07/2016

/ TRUE COPY /

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

TO

- 1.THE JUDICIAL MAGISTRATE
MELUR
 - 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT
 - 3.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
 - 4.THE INSPECTOR OF POLICE
SINGANALLUR POLICE STATION
COIMBATORE
 - 5.THE INSPECTOR OF POLICE
MELUR POLICE STATION, MADURAI DISTRICT.
- +1. CC to M/S K.MALATHI Advocate SR.No.38857
- RL/7C/3P/KBM/SARI/28/7/2016....(1/4)

ORDER
IN
CRL OP(MD) No.10074 of 2016
Date :22/07/2016