



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

Friday, the Twenty Fourth day of June Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.10183 of 2016

1 ASHOKAN @ VELLADURAI,
2 POOLIDURAI,
3 VELLADURAI,
4 SIVAGNANA PANDI,
5 MUTHUPANDI,

... PETITIONERS/ ACCUSED NO.3,11,12,15,16

Vs

STATE REP.BY ITS
THE INSPECTOR OF POLICE,
PULIANGUDI P.S., TIRUNELVELI DT.
CR.NO.135 OF 2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S R.J.KARTHICK Advocate

For Respondent : M/S.P.KANNITHEVAN Govt. Advocate (Crl. Side)

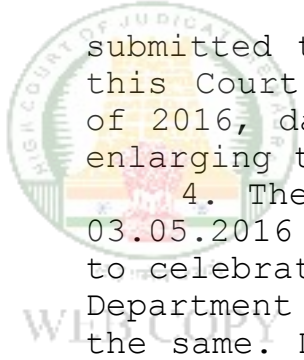
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners who are arrayed as accused nos.3,11,12,15 and 16 were arrested and remanded to judicial custody on 13.05.2016 for the alleged offences punishable under Sections 147,148,294(b), 323,324,307 of IPC @ and 147,148,294(b),323,324,307 and 302 of IPC, in Crime No.135 of 2016, on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that there is a dispute between two groups one by Rani Gomathi Muthuraniduraichi and Pandiyarajan councillor with regard to celebration of temple festival and receiving first honour. Number of legal proceedings were initiated and orders were passed. While so, the group belonged to Pandiyarajan sought permission from the HR & CE Department to celebrate the festival and no permission was granted by the HR & CE Department. The group belongs to Pandiyarajan was arranged for celebration and the group belonging to defacto complainant objected the same. On 03.05.2016 the supporters of rival group attacked with deadly weapons and pelted stones and number of persons were injured.

3.The case of the petitioners is that petitioners are innocent and they have not committed any offence as alleged by the prosecution. The petitioners are nothing to do with the alleged occurrence. Counter case has been registered against both groups. The petitioner is in judicial custody from 13.05.2013. He further



submitted that co-accused have already granted anticipatory bail by this Court in Crl.O.P(MD).No.8318 of 2016 and Crl.O.P(MD).No.8430 of 2016, dated 10.06.2016 and 15.06.2016 respectively and prays for enlarging the petitioners on bail.

4. The learned Government Advocate(Crl.side) submitted that on 03.05.2016 the group belonging to the Pandiyarajan made arrangements to celebrate the temple festival without permission from the HR & CE Department and the supporters of the defacto complainant objected the same. Due to that there was a group clash and number of persons were injured and one Thangadurai died on the next day. There is a case and case in counter and the investigation is pending. If the petitioners are enlarged on bail, there will be further group clash.

5.Considering the facts and circumstances of the case and also considering the fact that the co-accused have already granted anticipatory bail by this Court in Crl.O.P(MD).No.8318 of 2016 and Crl.O.P(MD).No.8430 of 2016, this Court is inclined to enlarge the petitioners on bail with certain conditions. Accordingly, the petitioners are ordered to be released on bail, subject to the following conditions:

(i) Each of the petitioner 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 learned Judicial Magistrate, Sivagiri.

(ii) the petitioner shall stay at Trichy and report before the Cantonment Police Station, Trichy daily at 10.30 am until further orders.

(iii) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioners shall not abscond either during investigation or trial.

(v) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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]**.

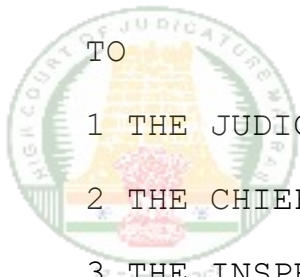
6.The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioners are complying with the condition or not.

sd/-

24/06/2016

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE, SIVAGIRI.

2 THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.

3 THE INSPECTOR OF POLICE, PULIANGUDI P.S., TIRUNELVELI DT.

4 THE SUPERINTENDENT

CENTRAL PRISON, PALAYAMKOTTAI, TIRUNELVELI DT.

5 THE OFFICER INCHARGE, CANTONMENT POLICE STATION,
TRICHY.

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

+1. CC to M/S R.J.KARTHICK Advocate SR.No.32700
trp

JA-GSV-PM/SAR.II/24.6.2016/3P:8C

ORDER

IN

CRL OP (MD) No.10183 of 2016

Date : 24/06/2016