



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.10210 of 2016

WEB COPY

1 ANAND @ ANANDAN
2 SURESH
3 VAIRAVAN
4 MALAICHAMY
5 KANNAN

... PETITIONERS/ACCUSED RANK NOT KNOWN

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
MATHAGUPATTI POLICE STATION(L&O),
SIVAGANGAI DISTRICT.
CR.NO.135 OF 2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S D.ANBARASU Advocate

For Respondent : MR.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 were arrested and remanded to judicial custody on 23.05.2016 for the alleged offences punishable under Sections 147,148,294(b),323,324,332,452,506(ii),307 of IPC r/w. Section 3 of TNPPDL Act, in Crime No.135 of 2016, on the file of the respondent police and hence, seek bail.

2.The case of the prosecution is that the petitioners along with other accused persons damaged the Madagupatti Police Station and set fire on the vehicle kept in the Police Station and damaged the bus belonging the to TNSTC came from Thiruppathur. The petitioners and other accused persons attacked the Police Personnel and caused serious injuries. On complaint, a case has been registered against the petitioners.

3.The case of the petitioners is that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. He further submitted that daughter of the second petitioner died on 22.06.2016 and the petitioners are in judicial custody from 23.05.2016 and prays for enlarging the petitioners on bail.

4. The learned Government Advocate (Crl. Side) submitted that the people of village sought permission for conducting festival of Sathya Vilzha Peraasurar Perumpidugu Muthuarayar on 23.05.2016. The respondent police rejected their request on 23.05.2016. Due to which, more than 400 people at 7.00 pm came to the Madagupatti Police Station with deadly weapons, with an intention to create problem and caused damaged to the police station and the bus belonging to the Transport corporation and tried to set fire to the bus and total damage is yet to be calculated. He further submitted that, if the petitioners are enlarged on bail, there will be further communal clash and the petitioners and others



caused injuries to the people and damage to the properties. It is further contended that a special team has been formed headed by the Superintendent of Police and the investigation is at earlier stage and prays for dismissal of this petition. He further submitted that if the petitioners are released on bail, they will tamper the evidence and hamper the investigation.

5. Considering the facts and circumstances of the case and also considering the fact that the petitioners are in judicial custody from 23.05.2016, 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 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 learned Judicial Magistrate No.I, Sivagangai;
- (ii) the petitioners shall report before the Inspector of Police, Thirukostiyur Police Station daily at 10.00 a.m. and 5.00 pm 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 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 (Crl side), as to whether the petitioners are complying with the condition or not.

sd/-
24/06/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE NO.1, SIVAGANGAI.
- 2 DO-THRO' THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT
- 3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
- 4 THE INSPECTOR OF POLICE,
THIRUKOSTIYUR POLICE STATION, SIVAGANGAI DISTRICT.
- 5 THE INSPECTOR OF POLICE,
MATHAGUPATTI POLICE STATION (L&O), SIVAGANGAI DISTRICT.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S D.ANBARASU Advocate SR.No.32653