



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

Thursday, the Twenty First day of July Two Thousand Sixteen

WEB COPY

PRESENT

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

CRL OP(MD) Nos.10725 , 10767 and 11257 of 2016

K.R. PERIYAKARUPPAN

... PETITIONERS/ACCUSED No.1
in all Crl.OPs.

Vs

THE STATE REP. BY ITS,
THE INSPECTOR OF POLICE
THIRUPPATHUR TOWN POLICE STATION,
SIVAGANGAI DISTRICT.

(Cr.No.132 OF 2016 in Crl.OP.10725/2016)

(Cr.No.134 OF 2016 in Crl.OP.10767/2016)

(Cr.No.102 OF 2016 in Crl.OP.11257/2016)..RESPONDENT / COMPLAINANT
in all Crl.OPs.

For Petitioner : M/s. M.MAHARAJA Advocate in Crl.OP.10725/2016

For Petitioner : M/s.S.KAMESWARAN, Advocate

in Crl.OP.Nos.10767 & 11257/2016

For Respondent : Mr.P.KANNITHEVAN, Government Advocate (Crl. Side)
in Crl.OP.Nos.

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused No.1 in all the cases, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 294(b), 506(i) of IPC, in Crime No.132 of 2016 and for the alleged offences punishable under Sections 143, 188, 286, 290 of IPC and 3A(1)(a) TNOPPD Act, 1959 r/w 177 MV Act, in Cr.No.134 of 2016 and for the alleged offences punishable under Sections 143, 188 of IPC r/w 177 MV Act, in Cr.No.102 of 2016, on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution in Crl.O.P(MD)No.10725 of 2016 is that at the instigation of the petitioner, all the accused persons assembled unlawfully near Gandhi Statue, Thirupatthur for agitation without any permission and abused the defacto complainant with filthy language and threatened him with dire consequences. On



complaint, case has been registered for the above said offences.

3.The case of the prosecution in Crl.O.P(MD)No.10767 of 2016 is that on 11.05.2016 the petitioner along with other accused persons in violation of Election Commission Rules and without getting any permission from the respondent police, had participated in the procession with two wheeler and bursted crackers. On complaint, case has been registered for the above said offences.

4.The case of the prosecution in Crl.O.P(MD)No.11257 of 2016 is that on 16.04.2016 at about 11.15 a.m., the petitioner along with other accused persons assembled unlawfully near Gandhi Statue, Thiruppathur in violation of Election Rule and caused disturbance to the General Public. On complaint, case has been registered for the above said offences.

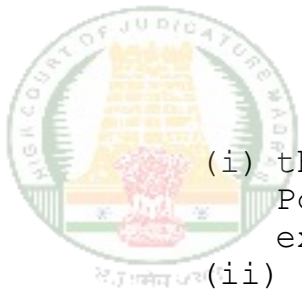
5.The case of the petitioner in all the cases is that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and the petitioner did not violate any Election Rules. Due to political motive, false complaint has been given against the petitioner.

6.The learned Government Advocate(Crl.side) filed counter affidavit in all the three cases and submitted that the petitioner belongs to the political party and previously a Minister. He knew the Election Code of Conduct and Rules and inspite of the same, he has violated the Election Code and conducted procession and caused disturbance to the General Public. If the anticipatory bail is granted to the petitioner, he will disturb the public peace and the petitioner is having 11 previous cases and prayed for dismissal of the anticipatory bail.

7.Considered the rival submissions.

8.The charges against the petitioner is that he had assembled unlawfully, threatened the defacto complainant and conducted a procession in violation of Election Rules and disturbed the General Public in violation of Election Rules.

9.Considering the nature of allegations, this Court is inclined to grant anticipatory bail to the petitioner in all the cases, with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned District Munsif-cum-Judicial Magistrate, Thirupathur, on condition that 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 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 petitioner shall report before the respondent Police daily at 10.30 a.m. until further orders, except the Assembly days.
- (ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioner 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 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]**.

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

sd/-
21/07/2016

/ TRUE COPY /

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

TO

- 1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, THIRUPATHUR
- 2 THE CHIEF JUDICIAL MAGISTRATE
SIVAGANGAI DISTRICT
- 3 THE INSPECTOR OF POLICE
THIRUPPATHUR TOWN POLICE STATION, SIVAGANGAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/S M.MAHARAJA Advocate SR.No.38847
+2 CC to Mr.S.KAMESWARAN, Advocate, SR No.38846 & 38844

ORDER IN
CRL OP(MD) Nos.10725 , 10767
and 11257 of 2016
Date :21/07/2016