



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

Tuesday, the Twelfth day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.11400 of 2016

1 M.SELVAKUMAR
2 C.MARIMUTHU

... PETITIONERS/ACCUSED No.2 and 4

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
CENTRAL POLICE STATION,
TUTICORIN DISTRICT.
CRIME NO.501 OF 2016

... RESPONDENT/COMPLAINANT

FOR PETITIONER : M/S N.ANANDAKUMAR, ADVOCATE
FOR RESPONDENT : MR.P.KANNITHEVAN, GOVERNMENT ADVOCATE (CRL. SIDE)

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

ORDER : The Court Made the following order :-

The petitioners are arrayed as accused Nos.2 and 4, who were arrested and remanded to judicial custody on 17.06.2016 for the alleged offences punishable under Sections 147, 148, 294(b), 506(ii) IPC and Section 3 of TNPPDL Act, in Crime No.501 of 2016, on the file of the respondent police and hence, seek bail.

2.The case of the prosecution is that on 16.06.2016, the petitioners along with the other accused persons assembled near Sivan Temple and Perumal Temple situated at Sambanthamoorthi Street, Tuticorin and without any prior permission from the Corporation or from the police, they had removed the iron barriers installed by the police for traffic regulation and when the same was questioned by the de facto complainant, the accused persons abused him in filthy language and threatened him with dire consequences. On complaint, case has been registered for the above said offences.

3.The case of the petitioners is that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and the petitioners are in judicial custody from 17.06.2016.

4.The learned counsel for the petitioners submitted that each of the petitioners is willing to deposit a sum of Rs.10,000/- to the credit of Crime No.501 of 20106 before the learned Judicial Magistrate No.II, Tuticorin.



5.The learned Government Advocate(Crl.side) submitted that the petitioners damaged the iron barriers installed by the police and investigation is pending.

6.Considering the facts and circumstances of the case and also considering the fact that the petitioners are in judicial custody from 17.06.2016, 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 deposit a sum of Rs.10,000/- (Rupees ten thousand only) to the credit of Crime No.501 of 20106 before the learned Judicial Magistrate No.II, Tuticorin and each of them 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.II, Tuticorin.
- (ii) the petitioners shall report before the respondent police daily at 10.00 a.m. 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]**.

7.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/-
12/07/2016

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE NO.III, TUTICORIN.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN.

3. THE INSPECTOR OF POLICE,
CENTRAL POLICE STATION,
TUTICORIN DISTRICT.

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

5. THE SUPERINTENDENT,
CENTRAL PRISON,
PALAYAMKOTTAI.

+ 1 CC TO MR.V.MALAIYENDRAN, ADVOCATE IN SR No. 35693

ORDER

IN

CRL OP(MD) No.11400 of 2016

Date :12/07/2016

SMN

TE/NGM-MP/SAR-I : 12/07/2016 : 3P/7C