



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

Wednesday, the Thirteenth day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.11442 of 2016

POOSAI @ POOSAITHAI

..PETITIONER/ACCUSED No.53

Vs.

STATE REP.BY

THE INSPECTOR OF POLICE

PULIANGUDI POLICE STATION,

TIRUNELVELI DISTRICT.

(CRIME NO. 135 OF 2016)

..RESPONDENT/COMPLAINANT

For Petitioner : M/S C.BHARATHI Advocate

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

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

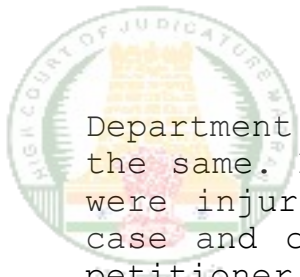
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as Accused No.53, apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 323, 324, 307 IPC @ 302 IPC, in Crime No.135 of 2016, on the file of the respondent police and hence, seeks anticipatory 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 petitioner is that petitioner is an innocent person and she has not committed any offence as alleged by the prosecution. The petitioner is nothing to do with the alleged occurrence. Counter case has been registered against both groups. The co-accused were already granted anticipatory bail by this court vide order dated 10.06.2016 made in Crl.O.P(MD)No.8318 of 2016.

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 petitioner is enlarged on anticipatory bail, there will be further group clash.

5. Considered the rival submissions.

6. It is seen that there is a group clash between two groups, case and counter case has been registered and in view of the allegations made by the parties against each other, cases are pending between both parties.

7. Considering the above said facts and also considering the fact that the co-accused were already granted anticipatory bail by this Court vide order dated 10.06.2016 made in CrI.O.P(MD)No.8318 of 2016, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Sivagiri, Tirunelveli District, 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 10.00 a.m. for a period of two weeks and thereafter as and when required for interrogation.
- (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]**.

8. 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/-
13/07/2016

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE, SIVAGIRI, TIRUNELVELI DISTRICT.

2 -do-thro' THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.

3 THE ADDL. PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.4 THE INSPECTOR OF POLICE, PULIANGUDI POLICE STATION,
TIRUNELVELI DISTRICT.

+1. CC to M/S C.BHARATHI Advocate SR.No.36207

ORDER IN
CRL OP (MD) No.11442 of 2016
Date :13/07/2016

PBK/NGM-MP/SAR-I 15/07/2016 ::3P-6C::