



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.11463 of 2016

WEB COPY

1 SONAI MUTHU
2 ANDI
3 PAKKIYARAJ
4 KARUPPAIAH

... PETITIONERS/ACCUSED

Vs

STATE REP BY THE INSPECTOR OF POLICE
MELUR POLICE STATION,MADURAI.

(IN CRIME NO. 582 OF 2016) ... RESPONDENT/COMPLAINANT

For Petitioner : M/S S.M.A.JINNAH Advocate

For Respondent : MR.P.KANNITHEVAN Govt. Advocate (Crl. Side)

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

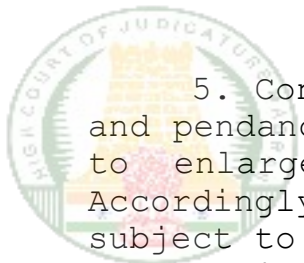
ORDER : The Court Made the following order :-

The petitioners who are arrayed as accused were arrested and remanded to judicial custody on 20.06.2016 for the alleged offences punishable under Sections 147,447,353,323,153,506(i) and 188 of IPC in Crime No.582 of 2016, on the file of the respondent police and hence, seek bail.

2.The case of the prosecution is that the petitioners and others in violation of the order of the District Collector assembled unlawfully and erected flag Post of a particular political party. When the same was questioned, the accused persons attacked the defacto complainant and respondent Police and prevented them from discharging their duty. 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 and their names have been falsely implicated in this case. He further submitted that the petitioners belonged to a particular political party and this is the case and counter case and the other other group already enlarged on bail in the complaint given by petitioner and prays for enlarging the petitioners on bail.

4.The learned Government Advocate(Crl.side) submitted that the petitioners along with other accused persons in violation of the order issued by the District Collector trespassed into the prohibited area and erected the flag post and it has resulted in communal clash. There are counter cases in Crime Nos.583, 584 of 2016 and 586 of 2013, registered under Section SC/ST Act and picketing is still in force in that area. If the petitioners are enlarged on bail it will create communal clash in the area.



5. Considering the allegations levelled against the petitioners and pendency of the case and counter cases, 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, Melur.
- (ii) the petitioners shall stay at Coimbatore and report before the Singanallur Police Station daily at 10.00 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 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, as to whether the petitioners are complying with the condition or not.

sd/-
13/07/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, MELUR
- 2 THE CHIEF JUDICIAL MAGISTRATE, MADURAI
- 3 THE INSPECTOR OF POLICE
MELUR POLICE STATION, MADURAI
- 4 THE OFFICER INCHARGE, SINGANALLUR POLICE STATION, COIMBATORE
- 5 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI
- 6 THE ADDL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S S.M.A.JINNAH Advocate SR.No.36154

ORDER IN
CRL OP(MD) No.11463 of 2016
Date : 13/07/2016