



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

Thursday, the Twenty First day of July Two Thousand Sixteen

PRESENT

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

CRL OP (MD) No.12263 of 2016

1 BALU
2 ANBARASAN
3 R.RANJITH
4 ARUMUGAM
5 R.RAJU

... PETITIONERS/ ACCUSED No.25,26,29,41&44

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE
MATHAGUPATTI POLICE STATION,
SIVAGANGAI DISTRICT,
CR NO. 135 OF 2016.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S USILLAI O SIVAKUMAR Advocate

For Respondent : Mr.P.Kannithevan, Govt. Advocate (Crl. Side)

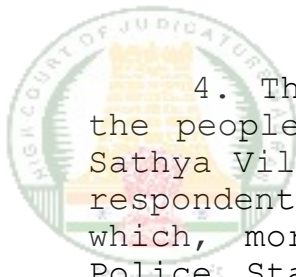
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners who are arrayed as accused, apprehend arrest at the hands of the respondent Police for the alleged offences punishable under Sections 147, 148, 294(b), 323, 324, 332, 452, 506 (ii) and 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 anticipatory 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 petitioner.

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 due to political motive their names have been falsely implicated in this case and the co-accused have already been arrested and enlarged on bail in Crl.O.P (MD).Nos.10171 and 10182 of 2016, dated 24.06.2016.



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 damage 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 granted anticipatory bail, there will be further communal clash and the petitioners and others caused injuries to the people and damaged 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.

5. Considering the facts and circumstances of the case and also considering the fact that co-accused have already been arrested and enlarged on bail, I am inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Sivagangai on condition that 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] 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.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners shall not abscond either during investigation or trial.

[d] 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].

sd/-
21/07/2016

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Sub-Assistant Registrar (C.S.)



TO

1 THE JUDICIAL MAGISTRATE NO.II, SIVAGANGAI.

2 DO THRO' THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI.

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

4 THE INSPECTOR OF POLICE, MATHAGUPATTI POLICE STATION,
SIVAGANGAI DISTRICT.

5 THE INSPECTOR OF POLICE, THIRUKOSTIYUR POLICE STATION,
SIVAGANGAI DISTRICT.

+1. CC to M/S USILLAI O SIVAKUMAR Advocate SR.No.39289

nbg

JM/NGM-MP/SAR-III/29.07.2016/3P-7C

ORDER

IN

CRL OP(MD) No.12263 of 2016

Date :21/07/2016