



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

Tuesday, the Ninth day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.13950 of 2016

SARAVANAN

... PETITIONER/ACCUSED No.1

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
MALLANKINARU POLICE STATION,
VIRUDHUNAGAR ,
CRIME NO.93 OF 2016

... RESPONDENT/ COMPLAINANT

MARISAMY

... PETITIONER/DEFACTO COMPLAINANT

For Petitioner : M/S.K.CHELLA PANDIAN Senior counsel for
M/S.K.SEENU RAMACHANDRAN Advocate

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

For Intervenor : M/S.A.THIRUVADIKUMAR, Advocate.

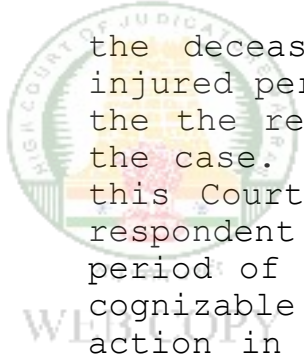
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner who is arrayed as accused were arrested and remanded to judicial custody on 27.06.2016 for the alleged offences punishable under Sections 147,148,294(b),323,324,506(ii), 452, 336, 307 @ 302 of IPC in Crime No.93 of 2016, on the file of the respondent police and hence, seeks bail.

2. The case of the prosecution is that there is a group clash on 02.06.2016 at 7 Hours at Manthoppu. The petitioner along with other accused persons attacked the persons belonged to the defacto complainant's group by pelting stones and wooden log and the injured persons were admitted in the Government Hospital, Virudhunagar and subsequently, shifted to Rajaji Hospital, Madurai and one of the injured Gurumoorthy died on 03.06.2016. On complaint, a case has been registered for the above said offences.

3. The learned counsel for the petitioner submitted that it is the complainant's group started the riot and attacked one Mayakrishnan, who was first person admitted in the Government Hospital, Virudhunagar, and thereafter, there was rioting in which



the deceased and other injured persons sustained injuries. The injured persons belonged to the petitioners' group gave complaint to the the respondent Police. The respondent Police did not register the case. Therefore, they filed Crl.O.P(MD).No.9949 of 2016 before this Court and this Court by order dated 24.06.2016 directed the respondent Police to conduct enquiry and complete the same within a period of one month and during course of enquiry, if there is any cognizable offence is made out, the respondent Police shall take action in accordance with law to register the case. He further submitted that the injured persons were discharged from the hospital and the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. He further contended that the petitioner is in judicial custody from 27.06.2016 and prays for enlarging the petitioners on bail.

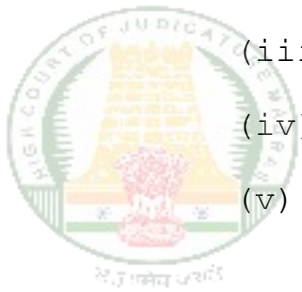
4. The learned counsel for the intervenor reiterated the averments made in the complaint and submitted that A1 is the main accused person and there is a long standing enmity between the petitioners and the defacto complainant. On 02.06.2016 the petitioner along with other accused persons came to the place of the defacto complainant and attacked them with wooden log and pelted stones and one Gurumoorthy died and four others seriously injured. He further contended that the petitioner is influential person and if he is enlarged on bail, he will abscond and tamper the witness and the hamper the investigation and prayed for dismissal of Crl.O.P (MD).No.13950 of 2016.

5.The learned Government Advocate(Crl.side) submitted that due to long standing enmity between the petitioners and the defacto complainant there was a group clash and one of the persons belonged to the defacto complainant's group died and some of the persons in both the groups were injured and the injured persons were discharged from the hospital and this is the case and case in counter and the investigation is pending.

6.Considering the fact that both the petitioner and the defacto complainant have given complaint against each other and that this is the case and case in counter and that the persons belonged to both the groups were admitted in the hospital and after treatment, one Gurumoorthy was died and other injured persons have been discharged from the hospital and the petitioner is in judicial custody from 27.06.2016, this Court is inclined to enlarge the petitioner on bail with certain conditions. Accordingly, the petitioners are ordered to be released on bail, subject to the following conditions:

(i) 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 No.I, Virudhunagar.

(ii) the petitioner shall appear before the Inspector of Police, Rural Police Station, Virudhunagar, daily at 10.00 am until further orders.



WEB COPY

- (iii) the petitioner 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 petitioner 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 petitioner is complying with the condition or not.
sd/-

09/08/2016

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.I,
VIRUDHUNAGAR.

2 DO THRO THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLPUATHUR.

3 THE OFFICER INCHARGE
DISTRICT JAIL, VIRUDHUNAGAR

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

5 THE INSPECOR OF POLICE
RURAL POLICE STATION,
VIRUDHUNAGAR

6 THE INSPECTOR OF POLICE
MALLANKINARU POLICE STATION, VIRUDHUNAGAR ,

+1. CC to M/S.K.SEENU RAMACHANDRAN Advocate SR.No.42886
+1CC to M/S. A.THIRUVADIKUMAR, Advocate, SR.No. 43033

ORDER

IN

CRL OP(MD) No.13950 of 2016

Date :09/08/2016