



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

WEB COPY

CRL OP(MD) No.14129, 14130 and 14131 of 2016

1 SANKAR
2 KALI @ KALIDASS
3 BALA MURUGAN
4 DEEPAK
5 PADITHURAI
6 KARTHICK @ KARTHICK RAJA
7 PANDEESWARAN
8 SRI RAM @ SURESH
9 BALA MURUGAN

...PETITIONERS/ACCUSED Nos.20 to 28
IN CRL OP(MD)NO.14129 OF 2016

1 MANIKANDAN
2 CHINNA PANDI
3 SENTHIL
4 RAVI
5 PANDEESWARAN
6 ALAGAR @ RAMACHANDRAN
7 VIJAYA KUMAR
8 MAYILRAKKAI VIJAPARI NARAYANA SAMY @ NARAYANAN
9 GNANA VEL

... PETITIONERS/ACCUSED Nos.7,8,9,10,14,16,17,18
AND 19 IN CRL OP(MD)NO.14130 OF 2016

1 CHINNASAMY
2 RAJESWARAN
3 MUTHU
4 RAMACHANDRAN @ RAMACHANDRA PANDIAN

... PETITIONERS/ACCUSED Nos.2,4,5 & 6 IN
CRL OP(MD)NO.14131 OF 2016

Vs

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

... RESPONDENT/ COMPLAINANT IN
ALL THE CASES

For Petitioner : M/S.S.PARTHASARATHY Advocate IN
CRL OP(MD)NO.14129 OF 2016

<https://hcservices.ecourts.gov.in/hcservices/>
For Petitioner : M/S.V.SASIKUMAR, Advocate IN
CRL OP(MD)NO.14130 OF 2016



For Petitioner : M/S.S.CHELLAPANDIAN, Senior counsel for
K.SEENU RAMACHANDRAN, Advocate IN
CRL OP(MD)NO.14131 OF 2016

For Respondent : M/S.P.KANNITHEVAN, Govt. Advocate (Crl. Side) IN
ALL THE CASES.

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PETITIONS 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 05.06.2016 (A20 to A28, A7, A10, A16, A18 and A19), 13.06.2016(A8), 28.06.2016 (A9 and A14), 27.06.2016 (A17) and 03.06.2016 (A2, A4 to A6) respectively, 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, seek 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 petitioners submitted that it is only the defacto 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 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 contended that the petitioners are in judicial custody from 05.06.2016 (A20 to A28, A7, A10, A16, A18 and A19), 13.06.2016(A8), 28.06.2016(A9 and A14), 27.06.2016(A17) and 03.06.2016 (A2, A4 to A6) and prays for enlarging the petitioners on bail.



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.

5. Considering the fact that both the petitioners 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 petitioners are in judicial custody from the above said dates as mentioned in Paragraph No.3, 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 the petitioners 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 petitioners shall appear before the Inspector of Police, Rural Police Station, Virudhunagar, 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 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 petitioners are complying with the condition or not.

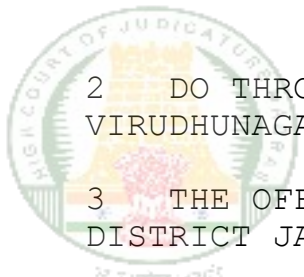
sd/-

09/08/2016

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

TO



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

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.S.PARTHASARATHY Advocate SR.No.42825
+1CC to M/S.V.SASIKUMAR, Advocate, SR.No. 42823
+1CC to M/S.K.SEENU RAMACHANDRAN, Advocate, SR.No. 42824

ORDER
IN
CRL OP(MD) No.14129,14130
and 14131 of 2016
Date :09/08/2016

AM/GSV.PM/SAR-I/09.08.2016/4P/10C