



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

Wednesday, the Seventeenth day of August Two Thousand Sixteen

PRESENT

WEB COPY

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

CRL OP(MD) No.14939 of 2016

1 RAJENDRAN
2 MURUGESAN

... PETITIONERS/ACCUSED No.1&2

Vs

THE STATE REP. BY
THE SUB INSPECTOR OF POLICE,
THIRUPULLANI POLICE STATION,
RAMNAD DISTRICT,
CR NO. 204/2016.

... RESPONDENT/COMPLAINANT

FOR PETITIONER : M/S.M.BOOPATHI PANDIYAN, ADVOCATE
FOR RESPONDENT : Mr.P.KANNITHEVAN, GOVERNMENT ADVOCATE (CRL. SIDE)

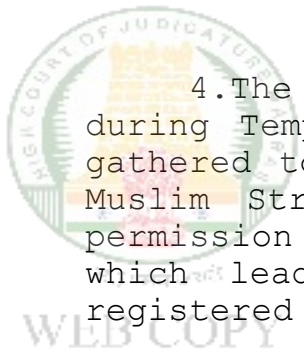
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused Nos.1 and 2, apprehend arrest at the hands of the respondent police for the offences punishable under Section 188 IPC, in Crime No.204 of 2016, on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that on 10.08.2016, during Temple festival, the petitioners and other accused persons gathered together and conducted Mulaipari procession through the Muslim Street via Thirupullani to Sethukarai without getting permission from the police officials. On complaint, case has been registered for the above said offences.

3.The case of the petitioners is that at the time of Temple festival, the petitioners along with their village people have conducted the Mulaipari procession in a peaceful manner from Thirupullani to Sethukarai, without any hindrance to the public. They are innocent and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case and prays for anticipatory bail in favour of the petitioners.



4.The learned Government Advocate (Crl. Side) submitted that during Temple festival, the petitioners and other accused persons gathered together and they conducted Mulaipari procession through Muslim Street via., Thirupullani to Sethukarai, without getting permission from the police officials, and shouting the slogans, which leads to communal clash. On complaint, case has been registered and the investigation of the case is pending.

5.Considering the nature of allegation made against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, they 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.I, Ramanathapuram, on condition that each of 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 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:

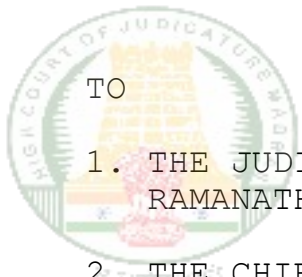
- (i) the petitioners shall report before the respondent Police daily at 10.00 a.m. until further orders.
- (ii) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioners shall not abscond either during investigation or trial.
- (iv) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the 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 conditions or not.

sd/-
17/08/2016

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE NO.1,
RAMANATHAPURAM.
2. THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.
3. THE SUB INSPECTOR OF POLICE,
THIRUPULLANI POLICE STATION,
RAMNAD DISTRICT,
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.M.BOOPATHI PANDIYAN Advocate SR.No. 44899

ORDER
IN
CRL OP (MD) No.14939 of 2016
Date :17/08/2016

PJL
TE/SS-2/SAR-I : 22/08/2016 : 3P/6C