



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

Wednesday, the Twenty Fourth day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.15586 of 2016

POOSAI @ POOSAITHAI

... PETITIONER / ACCUSED NO.53

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
PULIYANKUDI POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO. 135 OF 2016)

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.M.VEILKANI RAJU Advocate

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

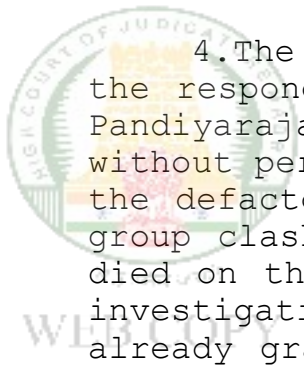
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as Accused No.53, apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 323, 324, 307 @ 147, 148, 294(b), 323, 324, 307 and 302 IPC, in Crime No.135 of 2016, on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that there is a dispute between two groups one by Rani Gomathi Muthuraniduraichi and Pandiyarajan Councillor with regard to celebration of Temple festival and receiving first honour. Number of legal proceedings were initiated and orders were passed. While so, the group belonged to Pandiyarajan sought permission from the HR & CE Department to celebrate the festival and no permission was granted by the HR & CE Department. The group belongs to Pandiyarajan was arranged for celebration and the group belonging to defacto complainant objected the same. On 03.05.2016, the supporters of rival group attacked with deadly weapons and pelted stones and number of persons were injured.

3.The case of the petitioner is that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Counter case has been registered against both groups.



4.The learned Government Advocate (Criminal side) appearing for the respondent submitted that on 03.05.2016 the group belonging to Pandiyarajan made arrangements to celebrate the Temple festival without permission from the HR & CE Department and the supporters of the defacto complainant objected the same. Due to that there was a group clash and number of persons were injured and one Thangadurai died on the next day. There is a case and case in counter and the investigation is pending. He would further submit that this Court already granted anticipatory bail to the co-accused in Crl.O.P(MD) No.8318 of 2016.

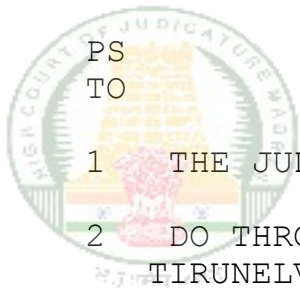
5.Considering the facts and circumstances of the case and also considering the fact that this Court already granted anticipatory bail to the co-accused, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Sivagiri, on condition that 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (i) the petitioner shall report before the respondent Police daily at 10.00 a.m. for a period of two weeks.
- (ii)the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iii)the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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 conditions or not.

sd/-
24/08/2016

/ TRUE COPY /



PS
TO

1 THE JUDICIAL MAGISTRATE, SIVAGIRI
2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT

3 THE INSPECTOR OF POLICE, PULIYANKUDI POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1. CC to M/S.M.VEILKANI RAJU Advocate SR.No.47004

GJM/GSV/PM/SAR-III-31.8.16-3P-6C

ORDER
IN
CRL OP(MD) No.15586 of 2016
Date :24/08/2016