



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

Tuesday, the Fourteenth day of June Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.9211 of 2016

PONNUSAMY

... PETITIONER/ACCUSED NO.4

Vs

STATE REP.BY ITS
THE INSPECTOR OF POLICE
PULIANGUDI POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO. 135 OF 2016

... RESPONDENT/COMPLAINAT

For Petitioner : M/S R.J.KARTHICK Advocate

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

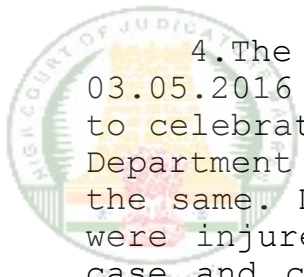
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused No.4, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 323, 324, 307 of IPC @ 147, 148, 294(b), 323, 324, 307 and 302 of IPC, 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 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 petitioner is innocent and he has not committed any offence as alleged by the prosecution. The petitioner is nothing to do with the alleged occurrence case and counter case has been registered against both groups. He further submitted that co-accused have already granted anticipatory bail by this Court in Crl.O.P(MD).No.8318 of 2016, dated 10.06.2016.



4.The learned Government Advocate(Crl.side) submitted that on 03.05.2016 the group belonging to the 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. If the petitioners are enlarged on anticipatory bail, there will be further group clash.

5.Considered the rival submissions.

6.It is seen that there is a group clash between two groups, case and counter case has been registered and in view of the allegations made by the parties against each other, cases are pending between both parties.

7.Considering the facts and circumstances of the case and also considering the fact the co-accused have already granted anticipatory bail by this Court, I am 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 before the learned Judicial Magistrate, Sivagiri and on his executing 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 Magistrate concerned and on further condition that the petitioner shall stay at Trichy and report before the Cantonment Police station, Trichy daily at 10.30 a.m., until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-

14/06/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, SIVAGIRI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.
- 3 THE INSPECTOR OF POLICE, PULIANGUDI POLICE STATION,
TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECTUOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 5 THE INSPECTOR OF POLICE, CANTONMENT POLICE STATION, TRICHY.
- +1. CC to M/S R.J.KARTHICK Advocate SR.No.30226

ORDER

IN

CRL OP(MD) No.9211 of 2016

Date :14/06/2016