



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

Monday, the Twenty Seventh day of June Two Thousand Sixteen
PRESENT

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

CRL OP(MD) No.9659 of 2016

WEB COPY

PATCHAIAPPAN

... PETITIONER/ACCUSED No.7

Vs

STATE REP.BY

THE INSPECTOR OF POLICE

MADHAGUPATTI POLICE STATION,

SIVAGANGAI DISTRICT.

CR. NO.135/2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S R.GANDHI Advocate

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

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

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused No.7, was arrested and remanded to judicial custody on 26.05.2016 for the alleged offences punishable under Sections 147, 294(b), 323, 324, 332, 452, 307, 506(ii) IPC and Section 3 of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992, in Crime No.135 of 2016, and hence, seeks bail.

2.The case of the prosecution is that the petitioner along with other accused persons damaged the Madagupatti Police Station and set fire on the vehicle kept in the Police Station and damaged the bus belonging to TNSTC came from Thiruppathur. The petitioner and other accused persons attacked the Police Personnel and caused serious injuries. On complaint, a case has been registered against the petitioner.

3.The case of the petitioner is that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. The petitioner is in judicial custody from 24.05.2016 and the co-accused were already granted bail by this Court vide order dated 24.06.2016 made in Crl.O.P(MD)Nos.10171, 10182, 10210 and 10211 of 2016 and prays for enlarging the petitioner on bail.

4. The learned Government Advocate (Crl. Side) submitted that the people of village sought permission for conducting festival of Sathya Vilzha Peraasurar Perumpidugu Muthuarayar on 23.05.2016. The respondent police rejected their request on 23.05.2016. Due to which, more than 400 people at 7.00 pm came to the Madagupatti Police Station with deadly weapons, with an intention to create problem and caused damaged to the police station and the bus belonging to the Transport corporation and tried to set fire to the bus and total damage is yet to be calculated. He further submitted that, if the petitioner is enlarged on bail, there will be further communal clash and the petitioner and others caused injuries to the people and damage to the properties. It is further contended that a special team has been formed headed by the Superintendent of Police and the the investigation is at earlier stage and prays for dismissal of this petition. He further submitted that if



the petitioner is released on bail, he will tamper the evidence and hamper the investigation.

5. Considering the facts and circumstances of the case and also considering the fact that the petitioner is in judicial custody from 24.05.2016 and the co-accused were already granted bail by this Court vide order dated 24.06.2016 made in Crl.O.P(MD)Nos.10171, 10182, 10210 and 10211 of 2016, this Court is inclined to enlarge the petitioner on bail with certain conditions. Accordingly, the petitioner is 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, Sivagangai;
- (ii) the petitioner shall report before the Inspector of Police, Thirukostiyur Police Station daily at 10.00 a.m. and 5.00 pm until further orders.
- (iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iv) the petitioner 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 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 (Crl side), as to whether the petitioner is complying with the condition or not.

sd/-
27/06/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, SIVAGANGAI.
 - 2 DO-THRO' THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.
 - 3 THE INSPECTOR OF POLICE, THIRUKOSTIYUR POLICE STATION,
SIVAGANGAI DISTRICT.
 - 4 THE INSPECTOR OF POLICE
MADHAGUPATTI POLICE STATION, SIVAGANGAI DISTRICT.
 - 5 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
 - 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S R.GANDHI Advocate SR.No.33153

ORDER IN
CRL OP(MD) No.9659 of 2016
Date : 27/06/2016