



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.9660 of 2016

1 ANBU @ ANBARASAN
2 SAMIKANNU

... PETITIONER / ACCUSED No.24
... PETITIONER / ACCUSED
(RANK NOT KNOWN)

Vs

THE 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.

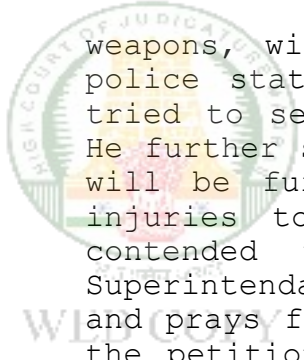
ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused, were arrested and remanded to judicial custody on 24.05.2016 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, on the file of the respondent police and hence, seek bail.

2.The case of the prosecution is that the petitioners 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 petitioners and other accused persons attacked the Police Personnel and caused serious injuries. On complaint, a case has been registered against the petitioners.

3.The case of the petitioners is that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. 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. The petitioners are in judicial custody from 24.05.2016 and pray for enlarging them on bail.

4.The learned Government Advocate (Crl. Side) submitted that the people of village sought permission for conducting festival of Sathya Sai Baba in the village of Perumpidugu Muthuvarayar on 23.05.2016. The respondent police rejected their request on 23.05.2016. Due to which, more than 400 people at 07.00 p.m. came to 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 petitioners are enlarged on bail, there will be further communal clash and the petitioners 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 these petitions. He further submitted that if the petitioners are released on bail, they will tamper the evidence and hamper the investigation.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioners are 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 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 petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Sivagangai;
- (ii)the petitioners shall report before the Inspector of Police, Thirukostiyur Police Station daily at 10.00 a.m. and 05.00 p.m. 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 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 petitioners are complying with the condition or not.

sd/-
27/06/2016

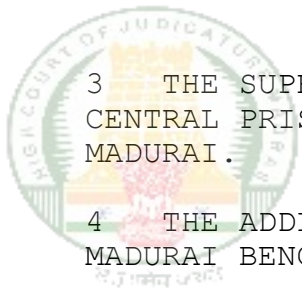
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO
1 THE JUDICIAL MAGISTRATE NO.I,
SIVAGANGAI.

<https://hcservices.ecourts.gov.in/hcservices/>

2 DO THRO THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.



3 THE SUPERINTENDENT
CENTRAL PRISON,
MADURAI.

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

5 THE INSPECTOR OF POLICE
MADHAGUPATTI POLICE STATION,
SIVAGANGAI DISTRICT.

6 THE INSPECTOR OF POLICE,
THIRUKOSTIYUR POLICE STATION,
THIRUKOSTIYUR.

+1. CC to M/S R.GANDHI Advocate SR.No.33152.

ORDER
IN
CRL OP(MD) No.9660 of 2016
Date :27/06/2016

AM/GSV.PM/SAR-I/27.06.2016/3P/8C