



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

Friday, the Eleventh day of August Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.10708 of 2017

1 EDWIN

2 PERIYADURAI

... PETITIONERS / ACCUSED 1 & 5

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
SRIVAIKUNDAM POLICE STATION,
TUTICORIN DISTRICT.
CRIME NO.261 OF 2017

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.T.LENIN KUMAR Advocate

For Respondent : MR.A.RAMAR Additional Public Prosecutor

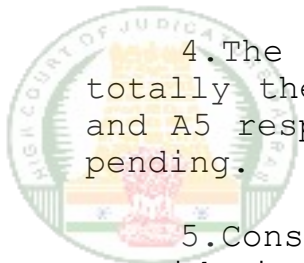
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners / A1 and A4, who were arrested on 02.08.2017 for the offences punishable under Sections 147 and 153(A) IPC and Section 3 of TNPPDL Act in Crime No.261 of 2017 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners and other accused persons belong to Nadar community and the de facto complainant belong Naicker and due to some dispute between these two communities, the petitioners along with other accused have damaged the glass box of Veerapandia Kattabomman statue worth of Rs.2000/- and also throw cow-dung on the statue and thereby defamed the name of Veerapandia Kattabomman.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that due to some previous enmity between these two communities, the present false complaint has been foisted against the petitioners and without obtaining prior permission from the authorities, the de facto complainant installed the statue. He further submitted that in order to create problem between these two groups the allegations have been levelled against the petitioners. However, the learned counsel for the petitioners voluntarily agreed to deposit a sum of Rs.2,000/- to the credit of Crime No.261 of 2017.



4.The learned Additional Public Prosecutor submitted that totally there are 5 accused and the petitioners are arrayed as A1 and A5 respectively. He also submitted that investigation is still pending.

5.Considering the facts and circumstances of the case and considering the fact that the learned counsel for the petitioners agreed to deposit a sum of Rs.2,000/-, this Court is inclined to grant bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail subject to the following conditions:

(i)the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate, Srivaikundam, Tuticorin District;

(ii)the petitioners are directed to stay at Tirunelveli and directed to appear before the Judicial Magistrate No.II, Tirunelveli daily at 10.30 a.m. until further orders;

(iii)the petitioners shall not tamper with the 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 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 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].

(vi)The petitioners shall deposit a sum of Rs.1,000/- each to the credit of Crime No.261 of 2017 on the file of the Judicial Magistrate, Srivaikundam.

sd/-

11/08/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, SRIVAIKUNDAM, TUTICORIN DISTRICT.
 - 2 THE JUDICIAL MAGISTRATE NO.II, TIRUNELVELI.
 - 3 THE CHIEF JUDICIAL MAGISTRATE, TUTICORIN DISTRICT.
 - 4 THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
 - 5 OFFICER IN CHARGE, DISTRICT JAIL, SRIVAIKUNDAM.
 - 6 THE INSPECTOR OF POLICE,
SRIVAIKUNDAM POLICE STATION, TUTICORIN DISTRICT.
 - 7 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.T.LENIN KUMAR Advocate SR.No.28639

ORDER IN
CRL OP(MD) No.10708 of 2017
Date :11/08/2017