



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

Friday, the Eighteenth day of August Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.10864 of 2017

PONRAJ @ THOONGAN

... PETITIONER / 4th ACCUSED

Vs

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

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.B.PERUMAL PRABHU Advocate

For Respondent : MR.A.RAMAR Additional Public Prosecutor

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

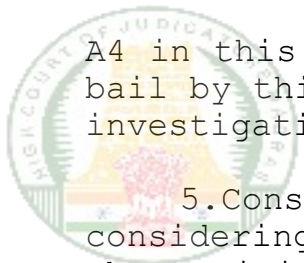
ORDER : The Court Made the following order :-

The petitioner / A4 who was arrested on 03.08.2017 for the offences punishable under Sections 147, 353(A) of IPC and Section 3 of TNPPDL Act in Crime No.261 of 2017 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with other accused are belong to Nadar community and the de facto complainant belongs to Naicker community and due to some dispute arose between these two communities, the petitioner along with other accused persons have damaged the glass box of Veerapandia Kattabomman statue worth of Rs.2,000/- and in order to defame the name of Veerapandia Kattabomman, they throw cow-dung on the said statue.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that there is no specific overt act attributed against the petitioner herein and co accused were arrested and released on bail and as the petitioner is the friend of A1, he has been implicated in this case. He would also submit that this Court while granting bail to A1 and A5 has directed them to deposit a sum of Rs.1,000/- each in Crime No.261 of 2017.

4.The learned Additional Public Prosecutor submitted that totally there are 5 named accused and the petitioner is arrayed as



A4 in this case. He also submitted that A1 and A5 were enlarged on bail by this Court in CrI.O.P.(MD)No.10708 of 2017 on 11.08.2017 and investigation is still pending.

5.Considering the facts and circumstances of the case and considering the fact that co accused were enlarged on bail and also the petitioner and the de facto complainant are belong to different community, this Court is inclined to grant bail to the petitioner. 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, Srivaikuntam.

(ii)the petitioner is directed to stay at Nagercoil and shall appear before the Sessions Court concerned daily at 10.30 a.m. until further orders;

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

sd/-
18/08/2017

/ TRUE COPY /

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

TO

- 1 THE SESSIONS JUDGE, NAGERCOIL.
- 2 THE JUDICIAL MAGISTRATE, SRIVAIKUNTAM.
- 3 THE CHIEF JUDICIAL MAGISTRATE, TUTICORIN DISTRICT.
- 4 OFFICER IN CHARGE, DISTRICT JAIL, SRIVAIKUNTAM.
- 5 THE SUB INSPECTOR OF POLICE,
SRIVAIKUNTAM POLICE STATION, TUTICORIN DISTRICT.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.M.S.JEYAKARTHIK Advocate SR.No.28940

ORDER
IN
CRL OP(MD) No.10864 of 2017
Date :18/08/2017