



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

Friday, the Twentieth day of October Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.14033 of 2017

M.MANTHIRAM,

... PETITIONER/3RD ACCUSED

Vs

THE STATE REP.BY ITS,
THE SUB INSPECTOR OF POLICE,
SRIVAIKUNDAM POLICE STATION,
THOOTHUKUDI DISTRICT.
(CRIME NO.261 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.S.JEYAKARTHICK Advocate

For Respondent : MR.K.ANBARASAN Government Advocate (Crl. Side)

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

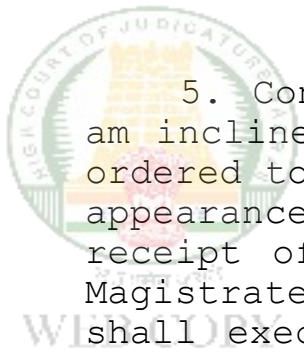
ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 04.10.2017, for the offences punishable under Sections 147, 353(A) 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 due to the communal clash, the petitioner damaged the Veerapandiya Kattapomman Statue worth about Rs.2,000/-, for which, the de-facto complainant lodged the complaint against the petitioner.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has not involved any offence as alleged by the prosecution. He further submitted that the co-accused A1 and A5 were already arrested and released on bail by this Court in Crl.O.P(MD)No.10708 of 2017 dated 11.08.2017 and the A4 was already arrested and released on bail by this Court in Crl.O.P(MD)No.10864 of 2017 dated 18.08.2017.

<https://hcservices.courts.gov.in/hcservices>
4.The learned Government Advocate (Criminal side) appearing for the State, on instructions, would submit that the co-accused were already released on bail.



5. Considering the facts and circumstances of the case, I am inclined to grant bail to the petitioner. The petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Srivaikundam, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like-sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) the petitioner shall restore the photo of Veerapandiya Kattapomman in the same place, if it is already restored, one more photo of Veerapandiya Kattapomman may be portrayed in that place and thereafter the Judicial Magistrate is directed to accept the sureties furnished by the petitioner herein.

(ii) the petitioner shall report before the investigation officer, as and when required for interrogation;

(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) the petitioner shall not commit any offence while on bail;

(vi) on breach of any of the aforesaid conditions, the learned 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 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)**.

sd/-
20/10/2017

/ TRUE COPY /

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



VSA/MSA

TO

1 THE JUDICIAL MAGISTRATE, SRIVAICKUNDAM

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TUTICORIN DISTRICT

3 THE SUB INSPECTOR OF POLICE,
SRIVAICKUNDAM POLICE STATION, THOOTHUKUDI DISTRICT.

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

5 THE OFFICER INCHARGE, DISTRICT JAIL, PERURANI

+1. CC to M/S.S.R.DURAI RAJ Advocate SR.No.32938

GJM/CM/MSA/SAR-3-20.10.2017-3P-7C

ORDER

IN

CRL OP(MD) No.14033 of 2017

Date :20/10/2017