



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

Friday, the Third day of March Two Thousand Seventeen

PRESENT

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

CrI.O.P.(MD)Nos.2215, 2216 and 2253 of 2017

RAGUPATHY

... PETITIONER/ACCUSED No.1
IN CRL OP(MD)Nos.2215 & 2216/2017

1. P.SARAVANAN
2. LAKSHMANAN
3. KUMAR
4. VELU @ RETHINAVELU
5. RAMASAMY

... PETITIONERS/ACCUSED 2 TO 6
IN CRL OP(MD)No.2253/2017

Vs

THE STATE THROUGH
THE INSPECTOR OF POLICE,
THIRUMAYAM POLICE STATION,
PUDUKKOTTAI DISTRICT.

CR No.33 OF 2017 IN CRL OP(MD)Nos.2215 & 2253/2017
CR No.32 OF 2017 IN CRL OP(MD)No.2216/2017

... RESPONDENT/COMPLAINANT
IN ALL THE PETITIONS

FOR PETITIONERS : M/S.P.GANAPATHI SUBRAMANIAN, ADVOCATE
IN ALL THE PETITIONS

FOR RESPONDENT : Mr.P.KANDASAMY, GOVERNMENT ADVOCATE (CRL. SIDE)
IN ALL THE PETITIONS

FOR INTERVENER : Mr.M.S.JEYAKARTHIK, ADVOCATE
IN CRL OP(MD)No.2215/2017

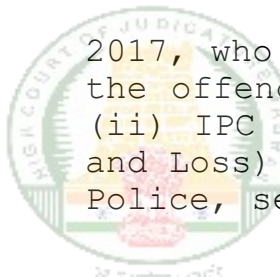
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner in CrI.O.P.(MD)No.2216 of 2017, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 147, 341 and 506(ii) IPC in Crime No.32 of 2017 on the file of the respondent Police, seeks anticipatory bail.

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

2.The petitioners in CrI.O.P.(MD)Nos.2215 and 2253 of



2017, who apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 147, 148, 294(b), 341 and 506 (ii) IPC r/w Section 3 of TN Public Property (Prevention of Damage and Loss) Act, in Crime No.33 of 2017, on the file of the respondent Police, seek anticipatory bail.

3.The case of the prosecution is that there was a government function in a girls school for distribution of free bicycle to the girls students and in the said function, District Collector and Health Minister have participated and at that time, the petitioners along with other accused, in order to prevent the said function, threatened them with dire consequence and damaged vehicles.

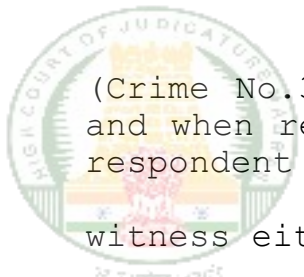
4.The learned counsel for the petitioners submitted that due to political vengeance, the present complaints were lodged against the petitioners. He also submitted that the petitioners, who belong to DMK party, questioned the attitude of the ruling party in avoiding the DMK MLA, who was elected in the said locality in participating in the said function, the petitioners and others were brutally attacked by the AIADMK party. He also submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that one complaint was lodged by VAO regarding the incident took place within the campus of the girls school and another complaint was lodged by the affected party, whose vehicle was damaged within the same campus of the school.

5.The learned counsel for the intervener submitted that in order to prevent the government function, all the accused have trespassed into the school campus and caused hindrance as well as damaged the vehicles and also free bicycles.

6.The learned Government Advocate (Crl.side) submitted that no one sustained injury and the worth of the damaged of the vehicle comes to Rs.1 lakh and investigation is pending.

7.The learned counsel for the petitioner in Crime No.33 of 2017 undertakes to deposit a sum of Rs.1 lakh in the said crime by Al/petitioner before the concerned Court, without prejudice to their contentions in this case.

8.Considering the facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of 15 days from the date on which the order copy is made ready, before the learned District Munsif cum Judicial Magistrate, Thirumayam, on condition that the petitioners 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 respondent Police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:



[a]the petitioner / A1 in CrI.O.P.(MD)No.2215 of 2017 (Crime No.33 of 2017) shall report before the respondent Police as and when required and the other petitioners shall appear before the respondent Police daily at 10.30 a.m. for a period of 4 weeks.

[b]the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c]the petitioners shall not abscond either during investigation or trial.

[d]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)**.

7.The petitioner / A1 shall deposit a sum of Rs.1 lakh in Crime No.33 of 2017 before the concerned Court without prejudice to his contention in this case.

sd/-
03/03/2017

/ TRUE COPY /

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

TO

1. THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
THIRUMAYAM.
2. THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.
3. THE INSPECTOR OF POLICE,
THIRUMAYAM POLICE STATION,
PUDUKKOTTAI DISTRICT
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+ 3 CC TO Mr.P.GANAPATHI SUBRAMANIAN, ADVOCATE IN SR No. 12469,
12470, 12471

+ 1 CC TO Mr.M.S.JEYAKARTHIK, ADVOCATE IN SR No. 12486

ORDER IN
CrI.O.P.(MD)Nos.2215, 2216
and 2253 of 2017
Date :03/03/2017