



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

Monday, the Ninth day of January Two Thousand Seventeen

PRESENT

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

CRL OP(MD) Nos.225 and 233 of 2017

1 ARUL @ ARULNIDHI

2 KATTU RAJA

3 BALU @ BALUCHAMY @ PALPANDI ... PETITIONERS/ACCUSED NO.8,9 & 10
IN BOTH THE PETITIONS

Vs

THE STATE BY

THE INSPECTOR OF POLICE,

MANAMADURAI POLICE STATION,

SIVAGANGAI DISTRICT.

... RESPONDENT/COMPLAINANT

CRIME NO.567/2016 in CRL OP(MD)No.225/17

CRIME NO.568/2016 in CRL OP(MD)No.233/17

For Petitioner : M/S.R.ILAYARAJA Advocate in both the petitions

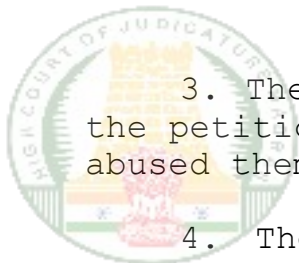
For Respondent : MR.P.KANDASAMY, Govt. Advocate (Crl. Side)
in both the petitions

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

ORDER : The Court Made the following order :-

The petitioners in Crl.O.P(MD)No.225 of 2017, who were arrested and remanded to judicial custody on 28.11.2016, for the offences punishable under Sections 147, 148, 341, 294(b) and 307 IPC r/w. Section 3(2)(va) of SC/ST (POA) Act @ 147, 148, 341, 294(b), 307, 120(b) and 212 of IPC., r/w. Section 3(2)(va) of SC/ST (POA) Amended Act, in Crime No.567 of 2016, on the file of the respondent police, seek bail.

2. The petitioners in Crl.O.P(MD)No.233 of 2017, who were arrested and remanded to judicial custody on 28.11.2016, for the offences punishable under Sections 147, 148, 294(b), 153(A) and 307 of IPC., r/w. Section 3(a) of Explosive Substance Act, Section 3 of TNPPDL Act, Section 3(i)(va) of SC/ST (POA) Act @ Sections 147, 148, 294(b), 153(A), 307, 212 of IPC., r/w. Section 3(a) of Explosive Substance Act, Section 3 of TNPPDL Act, Section 3(i)(va) of SC/ST (POA) Amended Act, in Crime No.568 of 2016, on the file of the respondent Police, seek bail.



3. The case of the prosecution is that due to previous enmity, the petitioners attacked the defacto complainant and others and also abused them.

4. The learned counsel for the petitioners states that the petitioners in both the cases are one and the same and they have been arrayed as A8 to A10 respectively in both the cases. He would further submit that totally there are two cases in Crime Nos.567 and 568 of 2016 implicating the petitioners as accused, as per the alteration report. The petitioners belonged to Thevar Community and the defacto complainant belongs to Scheduled Caste Community. He would further submit that A12 and A14 to A19 were already granted bail by this Court. He also submitted that the injured has been discharged from the hospital.

5. The learned Government Advocate (Crl.side) appearing for the respondent states that picketing is still continuing between two community people, since there are two casts.

6. Considering the above facts and circumstances of the case and also considering the overt act attributed against the petitioners, as per the alteration report and also considering the fact that the injured has been discharged from the hospital, 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 following conditions:-

(a) The petitioners shall execute a separate 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 Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, Sivagangai.

(b) the petitioners shall stay at Madurai and report before the learned Judicial Magistrate No.1, Madurai, daily at 10.30 a.m., until further orders.

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

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

[e] 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]**.

sd/-
09/01/2017

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TO

1 THE SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES
UNDER SC/ST (POA) ACT, SIVAGANGAI.

2 THE JUDICIAL MAGISTRATE NO.I, MADURAI.

3 THE CHIEF JUDICIAL MAGISTRATE, MADURAI.

4 THE INSPECTOR OF POLICE,
MANAMADURAI POLICE STATION, SIVAGANGAI DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECTUOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

6 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

+1. CC to M/S.R.ILAYARAJA Advocate SR.No.1608

MPK

CSL/SKN/SAR-I/09.01.2017 : 3P/8C

ORDER
IN
CRL OP (MD) Nos.225 & 233 of 2017
Date :09/01/2017