



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

Thursday, the Fifth day of January Two Thousand Seventeen

PRESENT

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

CRL OP(MD) Nos.78 and 113 & 114 of 2017

1 MUTHUPANDI
2 SURESH KANNAN
3 SURESH

... PETITIONERS/ACCUSED NO.16 to 18

1 SANTHOSHKUMAR
2 ASHOK KUMAR
3 CHELLAPANDI

... PETITIONERS/ACCUSED NO.12,14 &15
IN CRL OP(MD) NOS.113 & 114/17

Vs

THE STATE BY
THE INSPECTOR OF POLICE
MANAMADURAI POLICE STATION,
SIVAGANGAI DISTRICT

.... RESPONDENT / COMPLAINANT
IN ALL THE PETITIONS

(CRIME NO.568 OF 2016 IN CRL OP(MD).NOS.78 & 114/17)
(CRIME NO.567 OF 2016 IN CRL OP(MD).NO.113/17)

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

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

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

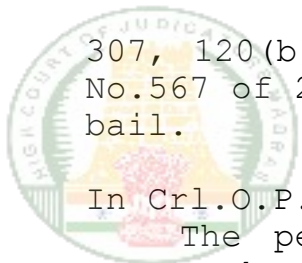
ORDER : The Court Made the following order :-

In Crl.O.P.(MD) No. 78 of 2017:

The petitioners are arrayed as A16 and A18, who were arrested and remanded to judicial custody on 28.11.2016 for the alleged offences punishable under Sections 147, 148, 294(b), 153(A), 307, 212 IPC r/w 3(a) of Explosive Substance Act and Section 3 of TNPPDL Act and Section 3(ii)(va) of SC/ST (POA) Act, in Crime No.568 of 2016, on the file of the respondent police and hence, seek bail.

In Crl.O.P.(MD) No. 113 of 2017:

The petitioners are arrayed as A12 , A14 and A15, who were arrested and remanded to judicial custody on 28.11.2016 for the alleged offences punishable under Sections 147, 148, 341, 294(b),



307, 120(b), 212 IPC r/w 3(2)(va) of SC/ST (POA) Act, 1989 in Crime No.567 of 2016, on the file of the respondent police and hence, seek bail.

In CrI.O.P.(MD) No. 114 of 2017:

The petitioners are arrayed as A12, A14 and A15, who were arrested and remanded to judicial custody on 28.11.2016 for the alleged offences punishable under Sections 147, 148, 294(b), 153(A), 307, 212 IPC r/w 3(a) of Explosive Substance Act and Section 3 of TNPPDL Act and Section 3(ii)(va) of SC/ST (POA) Act, in Crime No.568 of 2016, on the file of the respondent police and hence, seek bail.

2.The learned counsel for the petitioners states 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 belong to Thevar Community and the defacto complainant belongs to Scheduled Caste Community. A16 and A18 in Crime NO.567 of 2016 were granted bail by this Court in CrI.O.P.(MD) No.62 of 2017 dated 04.01.2017 and injured has been discharged from the hospital.

3.The learned Government Advocate (CrI. Side) appearing for the respondent states that picketing is still continuing between two community people.

4.Considering the facts and circumstances of the case and considering the overt act attributed against the petitioners as per alteration report and considering the fact that injured had already 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 the following conditions:

(i) 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,

(ii) the petitioners should not enter Manamadurai, Sivagangai District and the petitioner is directed to stay at Madurai and report before Tallakulam Police Station daily at 06.00 p.m until further orders.

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



5.The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioners are complying with the condition or not.

WEB COPY

/ TRUE COPY /

sd/-
05/01/2017

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

TO

- 1 THE JUDGE,
THE SPECIAL COURT FOR EXCLUSIVE TRIAL OF
CASES UNDER SC/ST(POA)ACT, SIVAGANGAI
- 2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI
- 3 THE INSPECTOR OF POLICE
MANAMADURAI POLICE STATION,
SIVAGANGAI DISTRICT.
- 4 THE INSPECTOR OF POLICE,
TALLAKULAM POLICE STATION, MADURAI
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+3. CC to M/S.R.ILAYARAJA Advocate SR.Nos.886, 887,888

ORDER
IN
CRL OP(MD) Nos.78 and 113 &
114 of 2017
Date :05/01/2017

SMA/SKN/SAR-2/05.01.2017:3P/9C