

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Wednesday, the Fourth day of January Two Thousand Seventeen
PRESENT
The Hon`ble Mr.Justice A.M.BASHEER AHAMED
CRL OP(MD) No.62 of 2017

1 MUTHUPANDI
2 SURESH KANNAN
3 SURESH

... PETITIONERS / ACCUSED NO.16 TO 18

Vs

THE INSPECTOR OF POLICE
MANAMADURAI POLICE STATION,
SIVAGANGAI DISTRICT,
CR NO. 567 OF 2016 ... RESPONDENT / COMPLAINANT

For Petitioner : M/S.R.ILAYARAJA Advocate

For Respondent : M/S.P.KANDASAMY, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners/Accused Nos.16 to 18, were arrested on 28.11.2016 for the offences punishable under Sections 147, 148, 341, 294(b), 307 of I.P.C., r/w. Sections 3(2)(va) of SC/ST (POA) Act, @ 147, 148, 341, 294(b), 307, 120(b), 212 I.P.C., r/w. 3(2)(va) of SC/ST (POA) Act, 1989 in Crime No.567 of 2016 on the file of the respondent police, seek bail.

2. The learned counsel for the petitioners states that the petitioners herein are A16 to A18 in this case and they are in custody from 28.11.2016 onwards. He further states that the petitioners herein are not named in the F.I.R., but they were implicated in this case, on the basis of the alteration report filed in this case and the confession statement given by A1. The alleged overt against the petitioners herein is that they have conspired along with the other accused and they are harbouring the accused and the charge under Sections 120(b) and 212 alone attracts against the petitioners.

3. The learned Government Advocate (Crl.side) states that totally there are 5 named accused and 14 unnamed accused in this case and the petitioners herein implicated as accused as per the confession statement of A1 and the alteration report filed in this case and A1, A3, A6, A12, A14 and A19 were arrested on 28.11.2016 and they are in custody and the injured has been discharged from the hospital. He also states that picketing is still continuing to avoid communal clash between two castes.

4. It is admitted that there are two complaints against the petitioners herein in Crime No.567/2016 and 568 of 2016. It is also admitted that the petitioners belong to Thevar Community and the de-facto complainant belongs to Scheduled Caste Community.

5. Considering the above facts and circumstances of the case and the alleged overt act against the petitioners as per the alteration report and also the fact that the injured has been discharged from the hospital, this Court is inclined to grant bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail subject to the following conditions:

(i) the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each 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 1 and 3 are directed to appear before the respondent police daily at 10.30 a.m. until further orders and the second petitioner shall appear before the respondent police daily at 6.00 p.m. until further orders

(iii) the petitioners should not enter Manamadurai Taluk, Sivagangai District;

(iv) the petitioners shall not tamper with the 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 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 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/-

04/01/2017

/ TRUE COPY /

Sub-Assistant Registrar (C.S.3)

TO

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

2 THE INSPECTOR OF POLICE
MANAMADURAI POLICE STATION,
SIVAGANGAI DISTRICT,

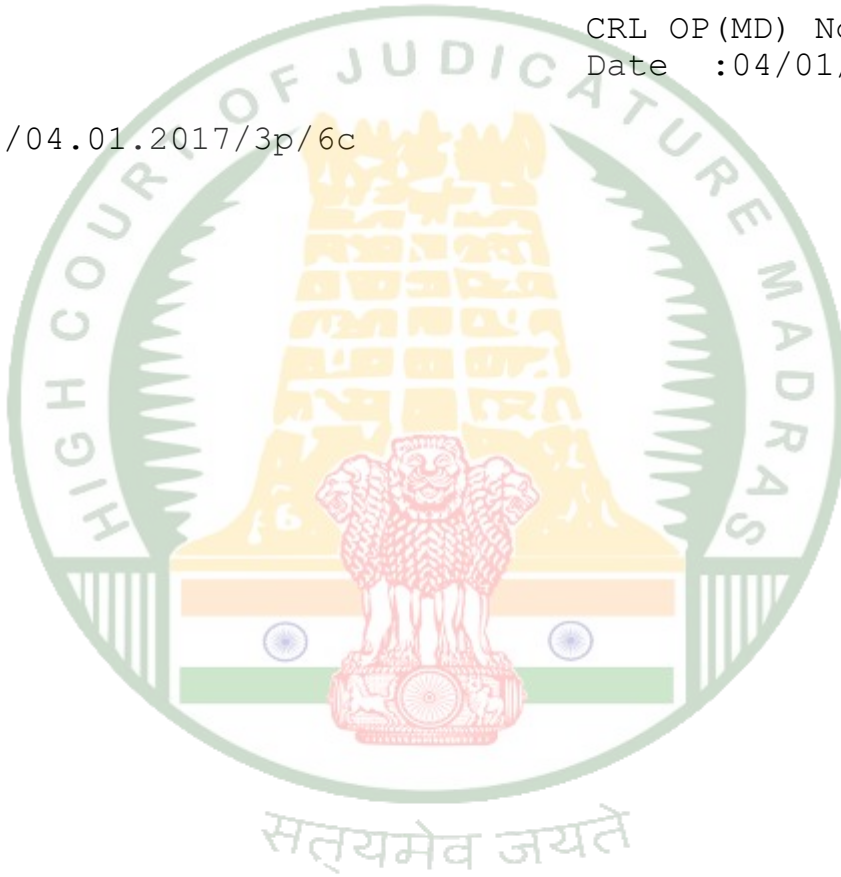
3 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI.

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

+1. CC to M/S.R.ILAYARAJA Advocate SR.No.519

ORDER
IN
CRL OP(MD) No.62 of 2017
Date :04/01/2017

anr/ss3/sar3/04.01.2017/3p/6c



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