



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

Saturday, the Twentieth day of October Two Thousand Eighteen

PRESENT

THE HONOURABLE MR JUSTICE.C.V.KARTHIKEYAN

CRL OP(MD) No.18796 of 2018

GANESAN @ CAPTAIN GANESAN

... PETITIONER / ACCUSED No.1

Vs

THE STATE REPRESENTED BY BY:
THE INSPECTOR OF POLICE
PALAYAMKOTTAI POLICE STATION,
TIRUNELVELI CITY
CRIME NO.706 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.B. SANTHANA RAJESHKUMAR, ADVOCATE.

For Respondent : MR. P.ANANDHARAJ, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

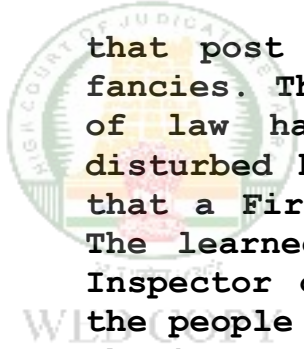
The petitioner apprehends arrest at the hands of the respondent police for the alleged offences under Sections 147, 148, 294(b), 342, 352 and 506(ii) of IPC in Crime No.706 of 2018 and seeks anticipatory bail.

2.The petitioner is the first accused in Cr.No.706 of 2018 on the file of the Palayamkottai Police Station, Tirunelveli City. An incident occurred on 11.10.2018 at 11.00 pm in Thangam Mahal, Tirunelveli. A holy function is being celebrated at Tirunelveli and lakhs of people across the country and out side are coming to have a holy dip in the Thamirabarani river.

3.The petitioner, who claims that he is a person of significance asserted his rights and is said to have entered with three others, Thangam Mahal, which belongs to Salavaiyar community on 11.10.2018 at 11.00 pm and indulged himself in such a manner to attract lodging a complaint under Sections 147, 148, 294(b), 342, 352 and 506(ii) of IPC. The three other accused have not approached the Court seeking the relief sought by the petitioner.

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

4.The only qualification which is asserted by the petitioner is that he is the President of some organisation. He is probably using



that post to threaten the officials to submit to his whims and fancies. That cannot be permitted. It has to be prevented. The rule of law has to be established. A peaceful function cannot be disturbed by the petitioner or by his associates. It is also seen that a First Information Report has been registered on 16.10.2018. The learned Additional Public Prosecutor on instructions from the Inspector of Police, Palayamkottai Police Station, states that all the people are of same community and there were some talks to settle the issue and thereafter, since it could not fructify, the complaint has been lodged.

5. In order to ensure that peace remains in Tirunelveli, though the petitioner is granted anticipatory bail, it is granted imposing stringent conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate-I, Tirunelveli on or before 24.10.2018, on executing 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 learned Judicial Magistrate-I, Tirunelveli, or to the satisfaction of the respondent police or the police officer who intends to arrest. If he fails to surrender and furnish bonds as stated, the anticipatory bail now granted shall stand automatically vacated. The further conditions are that, from 25.10.2018, the petitioner is to appear before the Coimbatore Junction Police Station, daily in the morning at 10.30 am and in the evening at 05.00 pm till 31.10.2018. Thereafter, from 01.11.2018, the petitioner is to appear before the respondent police daily in the morning at 10.30 am and in the evening at 05.00 pm till 08.11.2018. Thereafter, from 09.11.2018 he is to appear once in a day in the morning at 10.30 am till 15.11.2018 before the respondent police and thereafter, from 16.11.2018 only as and when required by the respondent police for investigation purpose. This would ensure not only peace during the holy month in the holy city and would also provide time for the petitioner to meditate and reflect on his actions leading to him being categorised as an accused. Anticipatory Bail is granted on the above grounds.

sd/-

20/10/2018

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE NO.I TIRUNELVELI.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE TIRUNELVELI

3. THE PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

4. THE INSPECTOR OF POLICE
PALAYAMKOTTAI POLICE STATION, TIRUNELVELI CITY

5. THE INSPECTOR OF POLICE
COIMBATORE JUNCTION POLICE STATION, COIMBATORE.

1. CC to M/S.E.SOMASUNDARAM Advocate SR.No.19929

ORDER

IN

CRL OP(MD) No.18796 of 2018

Date :20/10/2018

JM/SKN/SAR /20.10.2018/3P/7C