



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

Tuesday, the Thirtieth day of January Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.1422 of 2018

1 SUNDARAM
2 THANGASELVAN
3 N.THILLAIRAJAN
4 S.MANIVANNAN
5 T.JEYASEELAN
6 M.JERISH
7 P.VELUSAMY
8 KAMARAJ
9 RAMESH
10 VEGA LAKSHMANAN
11 TAMIL VANAN
12 T.SENTHIL KUMAR

... PETITIONERS/ACCUSED No.1 to 12

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE
PANAGUDI POLICE STATION,
TIRUNELVELI DISTRICT,
IN CRIME NO.49/2018

... RESPONDENT/COMPLAINANT

For Petitioners : M/S. R. ANAND Advocate

For Respondent : MR.A.ROBINSON, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 143, 188, 353 IPC and Section 15(1) of Environment Protection Act, 1986 r/w 5(1) (2) of Noise Pollution (Regulation and Control) Rules, 2000 and Section 3(A) of Tamil Nadu Town Nuisance Act, 1889 in Crime No.49 of 2018, seek anticipatory bail.

2.The case of the prosecution is that at the time of a temple festival, the village people conducted Adal Padal Innisai Katcheri. At that time, it is alleged that the norms prescribed by the Pollution Control Board was violated and the conditions imposed by the Hon'ble Supreme Court in respect of making noise for a



particular extent of decibel, was also infringed.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the petitioners have not committed any offence as alleged by the prosecution and they are no way connected with the offences, and pleads for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.side) submitted that the investigation is still pending.

5.The submissions made by the learned counsel on either side are considered. This case has been registered against the petitioners for the offence punishable under Sections 143, 188, 353 IPC and Section 15(1) of Environment Protection Act, 1986 r/w 5(1) (2) of Noise Pollution (Regulation and Control) Rules, 2000 and Section 3(A) of Tamil Nadu Town Nuisance Act, 1889. As per the order passed by this Court in W.P.(MD)No.1009 of 2018, dated 19.01.2018 the petitioners were permitted to conduct the festival. Thereafter, the respondent Police registered a case against these petitioners for the reasons that they have created the noise pollution, which is against the norms prescribed by the Hon'ble Supreme Court. So, considering the nature of offence committed by the petitioner, this Court came to the conclusion that custodial interrogation may not be necessary for completing the investigation.

6.Taking all the above said aspects into consideration and having regard to the nature of offence, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions. Accordingly, they are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Valliyoor, Tirunelveli District, on condition that each of the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) the petitioners shall report before the respondent Police daily at 10.00 a.m. for a period of two weeks and thereafter, as and when required for interrogation.

(ii) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(iii) the petitioners shall not abscond either during investigation or trial.

<https://hcservices.ecourts.gov.in/hcservices/>
(iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioners shall stand

automatically cancelled and 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/-
30/01/2018

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

TO

- 1 THE JUDICIAL MAGISTRATE,
VALLIYOOR, TIRUNELVELI DISTRICT
 - 2 THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT
 - 3 THE INSPECTOR OF POLICE
PANAGUDI POLICE STATION, TIRUNELVELI DISTRICT
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI
- +1. CC to M/S. R. ANAND Advocate SR.No.1612

ORDER
IN
CRL OP(MD) No.1422 of 2018
Date :30/01/2018

SMA/PM-PN/SAR-4/07.02.2018:3P/6c