



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

Monday, the Second day of April Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) No.4987 of 2018

S.PERIYASAMY

... PETITIONER / ACCUSED NO.1

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
KAYATHAR POLICE STATION,
THOOTHUKUDI DISTRICT.
CR.NO.65/2018

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.KARTHIKEYA VENKITACHALAPATHY Advocate

For Respondent : MR.PRABU RAMACHANDRAN Govt. Advocate (Crl. Side)

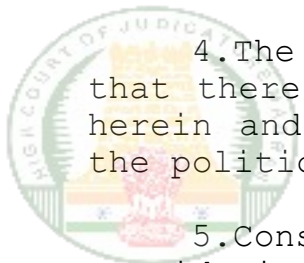
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner is arrayed as Accused No.1, who was arrested and remanded to judicial custody on 04.03.2018 for the alleged offences punishable under Sections 341, 294(b), 153(A), 295(A), 506(ii) IPC and Section 3 of TNPPDL Act, in Crime No.65 of 2018, on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that on 04.03.2018 while the de-facto complainant, who is the Priest of St.Lurthu Annai Church, Kayathar along with 250 church congregation members were in procession, the petitioner wrongfully restrained them, abused them in filthy language and created group clash between two groups of people belongs to two different religion and made criminal intimidation against them and also damaged the glass of the bus, which was following the procession by using stone and stick. On complaint, the case has been registered for the above said offences.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner is in judicial custody from 04.03.2018 and the co-accused, viz., A2 and A3 were already arrested and released on bail by the learned Principal Sessions Judge, Thoothukudi, on 20.03.2018 and therefore, prays for bail in favour of the petitioner.



4.The learned Government Advocate (Criminal side) submitted that there are three previous cases pending against the petitioner herein and all of them arose in respect of wall writing regarding the political agenda.

5.Considering the facts and circumstances of the case and considering the fact that the petitioner was arrested on 04.03.2018 and that the co-accused, viz., A2 and A3 were arrested and released on bail, this Court is inclined to enlarge the petitioner on bail with certain conditions. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions:

- (i) The petitioner shall execute a 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 No.II, Kovilpatti.
- (ii) The petitioner shall appear before the respondent police as and when required for interrogation.
- (iii) The petitioner shall not abscond.
- (iv) 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].

sd/-
02/04/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, KOVILPATTI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3 THE OFFICER IN CHARGE,
DISTRICT PRISON, THOOTHUKUDI.
- 4 THE INSPECTOR OF POLICE,
KAYATHAR POLICE STATION, THOOTHUKUDI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.M.KARTHIKEYA VENKITACHALAPATHY Advocate SR.No.5145

ORDER IN
CRL OP(MD) No.4987 of 2018
Date :02/04/2018