



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

Thursday, the Tenth day of May Two Thousand Eighteen

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP (MD) No.7665 of 2018

1 DIVAKARAN
2 SUBA. THANGAVELAN
3 SATHIYAMOORTHY
4 MURUGAVEL
5 SETHU KARUNANITHI
6 MUTHURAMALINGAM
7 PERUNALI BOSS @ BOSE
8 THISAI VEERAN
9 THINAKARAN
10 BALAKRISHNAN

... PETITIONERS/ ACCUSED NO.1 TO 10

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
PARTHIBANOOR POLICE STATION,
RAMANAD DISTRICT.
CRIME NO.48 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioners: Mr.VEERA KATHIRVAN, Senior Counsel for
M/S.K.SANJAI GANDHI Advocate

For Respondent : M/S.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)

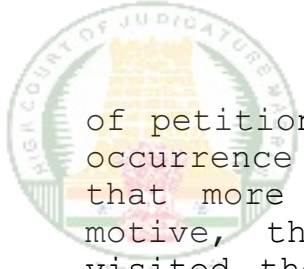
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 143 and 188 of IPC, in Crime No.48 of 2018, on the file of the respondent Police, seek anticipatory bail.

2.The case of prosecution is that the petitioners formed into an unlawful assembly raised their voices against the non-constitution of Cauvery Management Board and showed black flags on the arrival of the Defence Minister inspite of the order to disperse made by the police.

3.On the side of the petitioners, it is stated that the case based on the same cause of action are filed and two different type



of petitions are filed on the same date at the same time as if the occurrence has taken place in two different places. It is stated that more than 10 accused were involved. Only due to political motive, this false case has been foisted. The Central Minister visited the place of occurrence on 02.05.2018 and the petitioners and other people want to raise their voice and demonstrate a non-violent protest by showing black flags. No specific overt act is attributed against the petitioners and they raised their voices only in a democratic way. No injury is caused to anybody and no weapon is used. It is further submitted that there is no material object to be seized by way of custodial interrogation. By misusing the official capacity this false case was filed. In a democratic country the public must have a right to protest for a common cause. The police force is being used to suppress the rights of the public and he prayed to grant anticipatory bail to the petitioners.

4. On the side of the respondent, it is stated that the scene of occurrence in both the cases and the time of occurrence in both the cases are different and both the places are near by. There is 20 minutes difference between both the occurrences. It is stated that the petitioners did not obtain any prior permission for demonstrating the protest, thereby created law and order problem and caused disturbance to the public peace and he opposed to grant anticipatory bail to the petitioners.

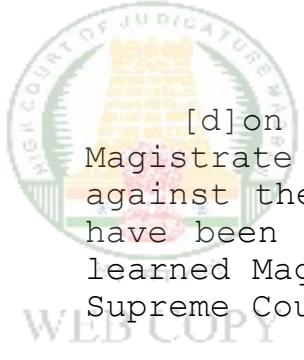
5. Records perused. As per the FIR, 10 accused and others have involved in the case. All the named 10 accused are petitioners herein. The petitioners have not obtained any permission from the respondent for demonstrating the protest. Even though the protest is set to have been conducted in non violent and peaceful manner, it is the duty of the petitioners to get prior permission. Considering the fact that the public is having the right to protest for a common cause with prior permission and considering the fact that the protest is stated to be nonviolent as per the complaint/FIR, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of 15 days from the date on which the order copy is made ready, before the learned Judicial Magistrate, Thuraiyur on condition that 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 respondent Police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioners shall report before the concerned Court daily at 10.30 a.m. until further orders.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners shall not abscond either during investigation or trial.



[d]on breach of any of the aforesaid conditions, 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 are 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/-
10/05/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, THURAIYUR.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
 3. THE INSPECTOR OF POLICE,
PARTHIBANOOR POLICE STATION, RAMANAD DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.K.SANJAI GANDHI Advocate SR.No.8441

ORDER IN
CRL OP(MD) No.7665 of 2018
Date :10/05/2018

MS/CM/RNB/16.05.2018/3P.6C