



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

Wednesday, the Twenty Seventh day of June Two Thousand Eighteen

WEB COPY

PRESENT

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

CRL OP(MD) Nos.9056 and 9066 of 2018

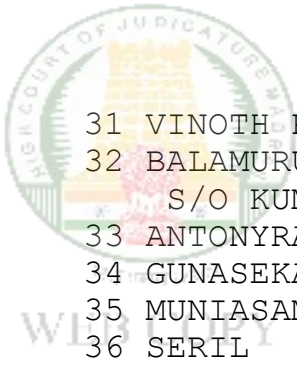
THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
PUDUKKOTTAI POLICE STATION,
THOOTHUKUDI DISTRICT

... PETITIONER / COMPLAINANT
IN BOTH THE PETITIONS

CRIME NO. 165/2018 ... CRL OP(MD)No.9056/18
CRIME No. 164/2018 ... CRL OP(MD)No.9066/18

Vs

1 MANIKANDAN
S/O KARUPPASAMY
2 SEENIVASAN
3 GOPI ANAND
4 ARUL MICHEAL
5 SARAI MUNIYANDI
6 PREM KUMAR
7 SELVARAJ
8 MARIAPPAN
9 RAJA PRABHU
10 MANIRAJ
11 KANNAN
12 VIMAL
13 JOTHIBASU
14 SURESH
15 PRINCE SHOW
16 GANESH
17 PALAVESAMUTHU
18 TERRANCE INPENT
19 VIMAL KUMAR
20 AJITH
21 NARESH
22 EDISTON
23 VIKNESH
24 KARUPPASAMY
25 JESURAJ
26 THIRUPATHI ALWAR
27 DANIEL
28 JEYASTON
29 JONELSON
30 JEEVA



31 VINOTH KUMAR
32 BALAMURUGAN
S/O KUMARASAMY
33 ANTONYRAJ
34 GUNASEKAR
35 MUNIASAMY
36 SERIL
37 JOHN SAMUEL
38 STALIN
S/O ALWIN
39 AYYAPPAN
40 MANI
41 SELVAM
42 BALAMURUGAN
S/O LAKSHMANAN
43 DAVIDSON
44 MUTHUKUMAR
45 VICKY @ VIGNESH
46 SUTHAGAR RAJ
47 NICHOLAS VINITH
48 SAKTHIVEL
49 ARUL SUDHAKAR
50 SELVAM
51 SIVASUBRAMANIAN
52 MUNIYASAMY
53 STALIN
S/O KALIYAPPAN
54 VALLIDURAI
55 SHUNMUGARAJ
56 CHANDANARAJ
57 MANIKANDAN
S/O RAJ
58 MARIMUTHU
S/O ULAGANATHAN
59 BALAGURU
60 EDWIN
61 MARIMUTHU
S/O VALLINAYAGAM
62 MATHEW ARUNAN
63 ARUL MAHESH
64 MUNIYADOSS
65 MICHEAL ATHIBAN

... RESPONDENTS / ACCUSED Nos.1 to 65
IN BOTH THE PETITIONS

PRAYER IN CRL OP(MD)No.9056/18:-

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to Cancel the Bail granted to the respondents/accused by the learned Vacation Sessions Judge/Principal Sessions Judge, Thoothukudi in CR.M.P.No.1478/2018, dated 24/05/2018.

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

Prayer in CRL OP(MD). 9066/ 2018 :



To cancel the bail granted to the respondents/accused by the Learned Vacation Sessions Judge/Principal Sessions Judge, Thoothukudi in Cr.M.P.No.1477/2018, dated 24/05/2018

Order: These petitions coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.CHELLAPANDIAN, Additional Advocate General Assisted by Mr.R.ANAND RAJ, Additional Public Prosecutor for the petitioner and of Mrs.L.SHAJI CHELLAN, Advocate for RR 1,3,4,7,8,10 to 26,29,30, 32 to 65, in both the petitions and Mr.E.SUBBU MUTHURAMALINGAN, Advocate for R5 in both the petitions, and the court made the following order:-

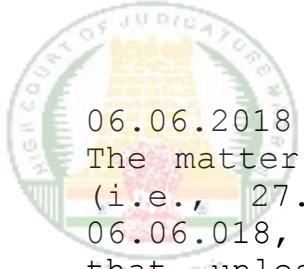
The State has filed these Criminal original petitions for cancelling the orders passed by the Principal Sessions Court, Thoothukudi granting bail to the respondents herein. The FIR in Crime No.164 of 2018 was registered on the file of the Inspector of Police, Pudukottai Police Station, Thoothukudi District for the offences under Sections 147, 148, 341, 324 and 435 of I.P.C. and Section 3 of TNPPDL Act, 1992 in Cr.M.P.No.1477 of 2018. The FIR in Crime No.165 of 2018 was registered on the file of the Inspector of Police, Pudukottai Police Station, Thoothukudi District for the offences under Sections 147, 148, 353 of I.P.C. and Section 3 of TNPPDL Act, 1992 in Cr.M.P.No.1478 of 2018. The FIRs were registered in connection with the protest against the functioning of the Sterlite Factory at Thoothukudi District. A large number of persons were arrested by the Police in connection with those incidents. The situation was truly extraordinary. Therefore, it warranted an extraordinary response also. Since it came to be known that a large number of persons have been rounded up and arrested purely on suspicion, search warrants were issued under Section 97 of Cr.P.C.

2.After obtaining permission from the High Court, the learned Principal Sessions Judge, Tuticorin, held a vacation sitting and took up the matter.

3.The learned Additional Public Prosecutor of the District was put on notice.

4.After hearing both sides, the learned Principal Sessions Judge granted bail to the respondents herein and directed their release on their own bond. These orders granting bail on their own bond are challenged in these Criminal Original Petitions.

5.It is settled that grant of bail is one thing while cancellation of bail already granted is entirely a different matter. In this case, this Court is concerned with the request for cancellation of the bail already granted. Unless it is shown that the Sessions Court had taken into account irrelevant aspects or it granted bail by ignoring relevant materials, the orders granting bail cannot be upset. The matter was listed for admission on



06.06.2018 and this Court ordered notice to the private respondents. The matter was again taken up on 20th June and adjourned to today (i.e., 27.06.2018). Even at the time of ordering notice on 06.06.2018, this Court made it abundantly clear to the prosecution that unless clinching materials are placed before this Court implicating the private respondents herein for the offences in question, the order granting bail will not be interfered with. A full 21 days have passed since this Court made its stand clear.

6. Today when the matter was taken up for disposal, the State is not in a position to place any material linking the private respondents herein with the commission of the offences in question. It is not the case of the Police that the private respondents herein are having any bad antecedents. It is also not the case that the private respondents have since misused the liberty granted to them by the Court. In view of these undisputed factors, this Court is of the view that the case for cancellation of bail is simply not made out.

7. The Criminal Original Petitions stand dismissed.

sd/-

27/06/2018

/ TRUE COPY /

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

TO

- 1 THE VACATION SESSIONS JUDGE/
PRINCIPAL SESSIONS JUDGE,
THOOTHUKUDI
- 2 THE INSPECTOR OF POLICE
PUDUKKOTTAI POLICE STATION,
THOOTHUKUDI DISTRICT
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

tsg

JAM/04/07/2018/ JC/RNB/ 4P-4C

ORDER

IN

CRL OP (MD) Nos. 9056 and 9066 of 2018

Date : 27/06/2018