



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

Wednesday, the Fourth day of July Two Thousand Eighteen

WEB COPY

PRESENT

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

CRL OP(MD) No.10483 of 2018

1 C. SUJITH
2 E. UTHIRAM

... PETITIONERS / ACCUSED
Rank Not Known

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
SIPCOT POLICE STATION,
THOOTHUKUDI DISTRICT,
CRIME NO.NOT KNOWN OF 2018

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.M.MARAN Advocate

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

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

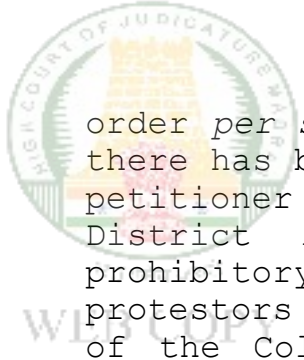
ORDER : The Court Made the following order :-

The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 188, 324, 332, 353, 448, 450, 436 and 506(ii) I.P.C and Sections 3(1) and 4 of TNPPDL Act, in Crime No.Not known of 2018, seek anticipatory bail.

2.Heard the learned counsel appearing for the petitioners and the learned Additional Advocate General appearing for the State.

3.The learned Additional Advocate General strongly opposed the grant of anticipatory bail to the first petitioner, namely C.Sujith.

4.It is seen that the said C.Sujith is the District Organizer of the Puratchigara Elainger Munnetra Munnani. There is one previous case registered against him in Crime No.97 of 2018, on the file of the Thoothukudi South Police Station. The photographs were also produced before this Court. It is seen that the said Sujith has played a leading role in organising the protest against the functioning of the Sterlite Company. Organising protest by itself cannot be said to be an offence. But, when prohibitory order has been issued, that cannot be casually breached. Breach of prohibitory



order *per se* will not be treated as an offence. But, in this case, there has been tragic consequences as a result. Therefore, the first petitioner will have to take responsibility. Even though the District Administration informed the assembled group that prohibitory order has been promulgated, defying the same, the protestors marched for more than 12 kms. They attacked the premises of the Collectorate, damaged the vehicles, public properties and also attacked the residential quarters of the sterlite employees. In these circumstances, the organisers of the movement cannot escape from their responsibility.

5.The learned Additional Advocate General specifically pointed out that acts of violence were perpetrated. Therefore, it is definitely a matter for investigation. The role of the petitioner has to be probed. It warrants custodial interrogation.

6.Taking note of the allegations made against the first petitioner, this Court is not inclined to grant anticipatory bail to the first petitioner. Accordingly, this Criminal Original Petition is dismissed in respect of the first petitioner.

7.Considering the fact that the State has no serious objection with regard to grant of anticipatory bail to the second petitioner, this Court is inclined to grant anticipatory bail to the second petitioner with certain conditions. Accordingly, the second petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.III, Thoothukudi and on his executing 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 Magistrate concerned and on further condition that the second petitioner shall appear before the respondent police as and when required for interrogation. The second petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. Scrupulously. The second petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-

04/07/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO.III
THOOTHUKUDI

2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI

3 THE INSPECTOR OF POLICE
SIPCOT POLICE STATION,
THOOTHUKUDI DISTRICT,

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

MSA

JAM/10/07/2018/ RR/ASVM/3P-5C

ORDER

IN

CRL OP (MD) No.10483 of 2018

Date :04/07/2018