



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

Monday, the Sixteenth day of July Two Thousand Eighteen
PRESENT

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

CRL OP(MD) No.11982 of 2018

WEB COPY

1 ALEX
2 RAMESH
3 SANTHANADURAI
4 VELMURUGAN

...PETITIONERS/ ACCUSED NO.3,4,5 & 6
Vs

STATE REP.BY
THE INSPECTOR OF POLICE
VADAMADURAI POLICE STATION,
DINDIGUL DISTRICT.
CRIME NO.297 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioners: Mr.AJMAL KHAN, Senior Counsel for
Mr.K.GANDHIKUMAR Advocate
For Respondent : Mr.K.CHELLAPANDIAN, Additional Advocate General
assisted by
Mr.A.ROBINSON, Government Advocate(Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioners are in judicial custody since 04.06.2018 and 06.06.2018 respectively, for the offences punishable under Sections 147, 148, 341, 307, 120(b) r/w Section 4 of TNPPDL Act, in Crime No.297 of 2018 on the file of the respondent police. They seek bail.

2.Heard the learned counsel for the petitioners and the learned Government Advocate(Crl.Side) for the respondent.

3.The petitioners are in custody in connection with mischief by fire that occurred on 01.06.2018 following the arrest of political leader.

4.The learned counsel for the petitioners submits that the first petitioner's name alone mentioned in the First Information Report along with two others whereas the petitioners 2, 3 and 4 have not been named in the First Information Report. He also pointed out that the detention order was passed only against the two petitioners out of four petitioners.

5.The learned Government Advocate (Crl.Side) submitted that the incident will have to be viewed very seriously. He opposed the grant of bail to the petitioners. He also pointed out that this Court will have to put stiff terms if they were to be considered for release on bail.



6. This Court is of the view that the first petitioner does not deserve in grant of bail in view of the specific overt act attributed against him in the First Information Report. Therefore, this Criminal Original Petition is dismissed as far as the first petitioner is concerned.

7. The learned Senior Counsel appearing for the petitioners submitted that the detention order has been passed and the same was set aside. This Court is of the view that no consequence can be attached to the quashing of detention order because the way jurisprudence has developed, every detention order will be quashed on some technical ground. However, this Court is inclined to grant bail to the petitioners 2, 3 and 4. Accordingly, the Petitioners are ordered to be released on bail, subject to the following conditions;

(i) the petitioners 2, 3 and 4 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 learned Judicial Magistrate, Vendasandur.

(ii) the petitioners 2, 3 and 4 are directed to appear before the respondent police as and when required for interrogation.

(iii) the petitioners 2, 3 and 4 shall not abscond.

(iv) on breach of any of the aforesaid conditions, the Magistrate/Trial Court is entitled to take appropriate action against the petitioners 2, 3 and 4 in accordance with law as if the conditions have been imposed and the petitioners 2, 3 and 4 are released on bail by the 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/-
16/07/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, VEDASANDUR.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
3. THE OFFICER INCHARGE, DISTRICT JAIL, DINDIGUL.
4. THE INSPECTOR OF POLICE
VADAMADURAI POLICE STATION, DINDIGUL DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.K.GANDHIKUMAR Advocate SR.No.13084

ORDER IN
CRL OP (MD) No.11982 of 2018
Date : 16/07/2018