



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

Tuesday, the Twenty Fourth day of July Two Thousand Eighteen
PRESENT

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

CRL OP(MD) No.12757 of 2018

1 PARIYERUM PERUMAL @ PERUMAL
2 POOVALINGAM
3 M.AKBAR
4 SIVAKUMAR

... PETITIONERS / ACCUSED RANK NOT KNOWN

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
SIPCOT POLICE STATION,
THOOTHUKUDI.
(IN CR NO. 241 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.PRABHURAJADURAI
for M/S.A.JOHN VINCENT, Advocate

For Respondent : MR.CHELLAPANDIAN,
Additional Advocate General, Assisted by
M/S.A.P.G.OHM CHAIRMA PRABHU,
Govt. Advocate (Crl. Side)

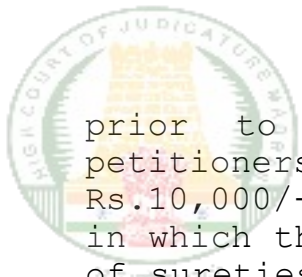
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners are in judicial custody since 20.06.2018, 14.06.2018, 10.06.2018 and 18.06.2018 respectively, for the offences punishable under Sections 147, 148 and 188 IPC and Section 3 of TNPPDL Act, in Crime No.241 of 2018, on the file of the respondent police. They seek bail.

2.The petitioners have been implicated in a large number of cases. It appears that they continues to be implicated based on the confession statements that are being received. Probably, that is why the bail petitions already filed are still kept pending before the learned Sessions Judge. Notwithstanding the pendency of the bail petitions before the court below, this Court permitted the petitioners to move this Court directly. This Court is of the view that in the interest of justice, the petitioners need not file separate bail petitions. Admittedly, all the cases are interconnected and pertain to the anti sterlite protests.

3.This Court is of the view that the continued incarceration of the petitioners is not going to serve any purpose. The petitioners are also not found to have been involved in any case



prior to this. Therefore, this Court grants bail to the petitioners. The petitioners shall execute a bond for a sum of Rs.10,000/- with two common sureties which would cover all the cases in which the petitioners stand implicated. At the time of execution of sureties, the prosecution is directed to give a list of cases in which the petitioners are arrested. The Jurisdictional Magistrate shall issue a common release order. The prison authorities are directed to release the petitioners on receipt of such release order from the Jurisdictional Magistrate. It is not the case of prosecution that the petitioners are wanted in connection with any other cases not connected to anti sterlite protests.

4.It is further directed that if the police seek to implicate the petitioners in any more cases, they will issue notice under Section 41 A Cr.P.C., so that the petitioners will have breathing time to approach this Court for anticipatory bail, if needed.

5.Considering the above circumstances, this Court is inclined to enlarge the petitioners 1, 2 and 4 on bail with certain conditions. Insofar as the third petitioner is concerned, this petition is dismissed as not pressed. Accordingly, the petitioners 1, 2 and 4 are ordered to be released on bail, subject to the following conditions:-

(i) the petitioners 1, 2 and 4 shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two common sureties covering all the cases, in which they have been so far implicated, each for a like sum to the satisfaction of the learned Judicial Magistrate No.III, Tuticorin;

(ii)the petitioners 1, 2 and 4 shall not take part in any agitation in connection with sterlite for the next 90 days;

(iii)the petitioners 1, 2 and 4 are directed to appear before the respondent police as and when required for interrogation;

(iv)the petitioners 1, 2 and 4 shall not abscond.

(v)on breach of any of the aforesaid conditions, the Magistrate/Trial Court is entitled to take appropriate action against the petitioners 1, 2 and 4 in accordance with law as if the conditions have been imposed and the petitioners 1, 2 and 4 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/-

24/07/2018

/ TRUE COPY /



TO

1 THE PRINCIPAL SESSIONS JUDGE,
THOOTHUKUDI.

2 THE JUDICIAL MAGISTRATE NO.3,
THOOTHUKUDI.

3 -DO- THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI.

4 THE INSPECTOR OF POLICE,
SIPCOT POLICE STATION, THOOTHUKUDI.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+4. CC to M/S.A.JOHN VINCENT Advocate SR.No.13806

ORDER

IN

CRL OP(MD) No.12757 of 2018

Date :24/07/2018

JM/JC/SAR 4/25.07.2018/3P/11C