



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

Tuesday, the Twenty Fourth day of July Two Thousand Eighteen

WEB COPY

PRESENT

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

CRL OP(MD) No.12758 of 2018

K.AASAI

... PETITIONER / ACCUSED RANK NOT KNOWN

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
SIPCOT POLICE STATION,
THOOTHUKUDI.
(IN CR NO.194/2018)

... 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)

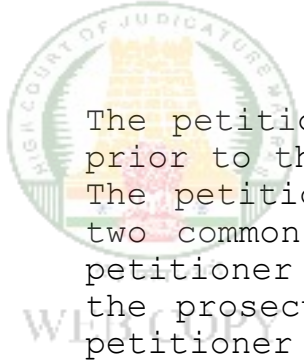
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner is in judicial custody since 08.07.2018 for the offences punishable under Sections 147, 148, 188, 353, 436 and 506 (ii) IPC and Sections 3 and 4 of TNPPDL Act, in Crime No.194 of 2018, on the file of the respondent police. He seeks bail.

2.The petitioner has been implicated in a large number of cases. It appears that he 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 petitioner to move this Court directly. This Court is of the view that in the interest of justice, the petitioner 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 petitioner is not going to serve any purpose.



The petitioner is also not found to have been involved in any case prior to this. Therefore, this Court grants bail to the petitioner. The petitioner shall execute a bond for a sum of Rs.10,000/- with two common sureties which would cover all the cases in which the petitioner stands implicated. At the time of execution of sureties, the prosecution is directed to give a list of cases in which the petitioner is arrested. The Jurisdictional Magistrate shall issue a common release order. The prison authorities are directed to release the petitioner on receipt of such release order from the Jurisdictional Magistrate. It is not the case of prosecution that the petitioner is 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 petitioner in any more cases, they will issue notice under Section 41 A Cr.P.C., so that the petitioner 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 petitioner on bail with certain conditions. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions:-

(i) the petitioner 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 he has been so far implicated, each for a like sum to the satisfaction of the learned Judicial Magistrate No.III, Tuticorin;

(ii)the petitioner shall not take part in any agitation in connection with sterlite for the next 90 days;

(iii)the petitioner is directed to appear before the respondent police as and when required for interrogation;

(iv)the petitioner shall not abscond.

(v)on breach of any of the aforesaid conditions, the Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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 JUDICIAL MAGISTRATE NO.3,
THOOTHUKUDI.

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

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

4 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

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

+2. CC to M/S.A.JOHN VINCENT Advocate SR.No.13803

ORDER

IN

CRL OP(MD) No.12758 of 2018

Date :24/07/2018

JM/JC/SAR 4/25.07.2018/3P/8C