



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

Tuesday, the Twenty Fourth day of July Two Thousand Eighteen

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PRESENT

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

CRL OP(MD) Nos.12822 to 12838 of 2018

IRUDHAYA JEBAMALAI

... PETITIONER/ACCUSED RANK NOT KNOWN
IN ALL THE PETITIONS

Vs

STATE REPRESENTED BY,
THE INSPECTOR OF POLICE,
SIPCOT POLICE STATION, TUTICORIN,
TUTICORIN DISTRICT
CRIME NO.295 OF 2018

... RESPONDENT/COMPLAINANT
IN CRL OP(MD)No.12822/2018

CRIME NO.289 OF 2018

... RESPONDENT/COMPLAINANT
IN CRL OP(MD)No.12823/2018

CRIME NO.291 OF 2018

... RESPONDENT/COMPLAINANT
IN CRL OP(MD)No.12824/2018

CRIME NO.292 OF 2018

... RESPONDENT/COMPLAINANT
IN CRL OP(MD)No.12825/2018

CRIME NO.298 OF 2018

... RESPONDENT/COMPLAINANT
IN CRL OP(MD)No.12826/2018

CRIME NO.299 OF 2018

... RESPONDENT/COMPLAINANT
IN CRL OP(MD)No.12827/2018

CRIME NO.300 OF 2018

... RESPONDENT/COMPLAINANT
IN CRL OP(MD)No.12828/2018

CRIME NO.303 OF 2018

... RESPONDENT/COMPLAINANT
IN CRL OP(MD)No.12829/2018

CRIME NO.313 OF 2018

... RESPONDENT/COMPLAINANT
IN CRL OP(MD)No.12830/2018

CRIME NO.317 OF 2018

... RESPONDENT/COMPLAINANT
IN CRL OP(MD)No.12831/2018

CRIME NO.318 OF 2018

... RESPONDENT/COMPLAINANT
IN CRL OP(MD)No.12832/2018

CRIME NO.319 OF 2018

... RESPONDENT/COMPLAINANT
IN CRL OP(MD)No.12833/2018

CRIME NO.320 OF 2018

... RESPONDENT/COMPLAINANT
IN CRL OP(MD)No.12834/2018

CRIME NO.321 OF 2018

... RESPONDENT/COMPLAINANT
IN CRL OP(MD)No.12835/2018

CRIME NO.322 OF 2018

... RESPONDENT/COMPLAINANT
IN CRL OP(MD)No.12836/2018



CRIME NO.323 OF 2018

... RESPONDENT/COMPLAINANT

IN CRL OP (MD) No.12837/2018

CRIME NO.326 OF 2018

... RESPONDENT/COMPLAINANT

IN CRL OP (MD) No.12838/2018

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For Petitioner : MR.L.SHAJI CHELLAN, Advocate
IN ALL THE PETITIONS

For Respondent : MR.A.P.G.OHM CHAIRMA PRABHU,
Government Advocate (Crl.Side)
IN ALL THE PETITIONS

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

ORDER : The Court Made the following order :-

The petitioner, namely, Irudhaya Jebamalai, is in judicial custody since 21.06.2018 for the offences punishable under Sections 147, 148, 436 and 188 IPC and Sections 3 and 4 of TNPPDL Act, in Crime Nos.295, 289, 291, 292, 298, 299, 300, 303, 313, 317, 318, 319, 320, 321, 322, 323 and 326 of 2018, on the file of the Sipcot Police Station, Tuticorin District. 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 facts and 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. The petitioner shall not abscond.

(iv) 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 /

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

TO

1 THE JUDICIAL MAGISTRATE NO.III
TUTICORIN

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
<https://hcservices.ecourts.gov.in/hcservices/>
TUTICORIN DISTRICT



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

4 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

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

+1. CC to MR.L.SHAJI CHELLAN, Advocate SR.No.13889

ORDER IN
CRL OP(MD) Nos.12822 to 12838 of 2018
Date :24/07/2018

PK/MMS/SAR-4/24.07.2018 : 4P/7C