



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

Friday, the Twenty Third day of November Two Thousand Eighteen

WEB COPY

PRESENT

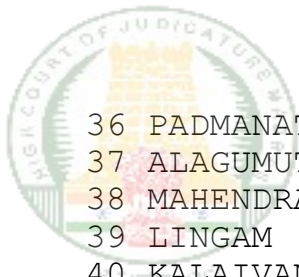
The Hon`ble Mr.Justice M.NIRMAL KUMAR

Crl.O.P.(MD)Nos.20137, 20177 and 20210 of 2018

1 CHELLADURAI
2 MUTHUMEERA

... Petitioners/Accused Rank not known
in CRL OP(MD). 20137/ 2018

1 MUNIYASAMY
S/O.SUNDARAJ
2 V.MUNIYASAMY
S/O.VELU
3 R.SENTHILKUMAR
4 S.MARISELVAN
5 V.C.NAGARAJAN
6 R.SARAVANAN
7 ARUNKUMAR
8 SATHISHKUMAR
9 RAVICHANDRAN
10 RAMAMOORTHY
11 JOSEPH AMALAN NEWTON
12 JEYASANKAR
13 SELVAM
14 SURIYA MANIKANDA PRABHU
15 SIVAKUMAR
16 RAJENDRAN
17 SABARIVASAN
18 RANJITHKUMAR
19 SAMYDURAI
20 MUTHUPANDI
21 DINESH
22 KOTTAICHAMY
23 SAMPATH
24 SYED ABUDHAHIR
25 NALLENDRAN
26 KAVIARASAN
27 R.SASIKUMAR
28 KARMEGAM
29 N.PANDIDURAI
30 MANIKANDAN
31 DINEKAR
32 SUBRAMANI
33 VIVEKANANDAN
34 C.RAJESH
35 SATHISHKUMAR



36 PADMANATHAN
37 ALAGUMUTHU ARIYAPPAN
38 MAHENDRAPANDIYAN
39 LINGAM
40 KALAIVANAN
41 SEENIMOHAMMED
42 I.K.SUBRAMANIAN
43 MURUGESAN
44 SENTHILKUMAR
45 PRABHU
46 SURESH
47 SARAVANAN
48 RETHINAMOORTHY
49 ANNADURAI
50 R.M.KANNAN
51 G.MURUGABOOPATHI
52 HARIKRISHNAN
53 MUKUNDAN
54 MUTHURAMALINGAM
55 M.KUMANAN
56 VILVAKANI
57 MUTHUMEERA
58 SIVAKUMAR
59 K.RAJARAMPANDIYAN
60 SARAVANAN
61 S.I.UTHIRAKUMAR
62 M.G.MUTHUKUMAR
63 MURUGAN

... Petitioners/Accused Rank not known
in CRL OP(MD). 20177/ 2018

VEERAPERUMAL

... Petitioner/Accused Rank not known
in CRL OP(MD). 20210/ 2018

- Vs. -

THE INSPECTOR OF POLICE,
KAMUTHI POLICE STATION,
RAMNAD DISTRICT.
(CRIME NO. 224 OF 2018)

... Respondent/Complainant
in all the Petitions

For Petitioner : MR.G.VISHNURAM, Advocate
in CRL OP(MD). 20137/2018

: MR.K.ANBARASAN, Advocate
in CRL OP(MD). 20177/2018

: MR.A.UTHAYAKUMAR
in CRL OP(MD). 20210/2018

<https://hcservices.ecourts.gov.in/hcservices/>
For Respondent : MR.S.CHANDRASEKAR, Additional Public Prosecutor
in all the Petitions



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

ORDER : The Court Made the following order :-

The petitioners are arrayed as Accused in Cr.No.224 of 2018 on the file of the respondent Police. Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 149 and 504 of IPC r/w Section 3(1) of TNPPDL Act, 1992, in Crime No.224 of 2018, they seek anticipatory bail.

2. The case of the prosecution is that on 30.10.2018, on the date of Thevar Jayanthi, the petitioners are said to have damaged the flex board displayed in and around the Pasumpon village. The petitioners belong to different political parties and in the above crime number, 18 persons are named and several persons who had indulged in damaging the flex board are unnamed. Admittedly, the petitioner's name does not find place in the F.I.R.

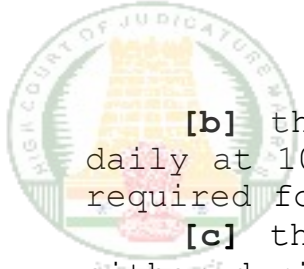
3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have nothing to do with the alleged crime. He would further submit that the petitioners are willing to co-operate with the investigation and abide by investigation. He would also submit that 53 persons were arrested and granted bail in this case without any condition. Hence, anticipatory bail may be granted to these petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent, on instructions, would submit that video footings have been taken and after verifying the same, identity of the persons, who indulged in act would be identified and their names would be added in the crime. However, he strongly objected for grant of anticipatory bail by stating that the petitioners herein were motivated by the rival group and flex board was also damaged by the petitioners.

5. Admittedly, the occurrence took place on 30.10.2018. But, till today, identity of the persons have not been identified. Considering the above facts, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions;

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate, Kamudhi, Ramanathapuram District, on condition that the petitioners shall each execute 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;

[a] if the petitioners failed to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.



[b] the petitioners shall report before the respondent Police daily at 10.00 a.m for a period of one week, thereafter as and when required for interrogation;

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

23/11/2018

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE,
KAMUDHI, RAMANATHAPURAM DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.

3 THE INSPECTOR OF POLICE,
KAMUTHI POLICE STATION, RAMNAD DISTRICT.

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

+1. CC to M/S.G.VISHNURAM Advocate SR.No. 22194

+1. C.C. to M/S.A.UTHAYA KUMAR Advocate SR.No. 22158

ORDER

IN

CrI.O.P. (MD) Nos.20137, 20177
and 20210 of 2018

Date :23/11/2018