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

Thursday, the Twenty Seventh day of September Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) No.17084 of 2018

PALANIAPPAN ... PETITIONER / ACCUSED RANK NOT KNOWN

Vs

STATE REPRESENTED BY,
THE SUB INSPECTOR OF POLICE,
TOWN POLICE STATION,
PUDUKKOTTAI,
PUDUKKOTTAI DISTRICT.
(CRIME NO.172/2018) ... RESPONDENT/ COMPLAINANT

For Petitioner : Mr.VEERA KATHIRAVAN, Advocate for
M/S.VEERA ASSOCIATES

For Respondent : Mr.K.CHELLAPANDIAN, Additional Advocate General
assisted by Mr.V.NEELAKANDAN,
Additional Public Prosecutor.

For Intervenor : Mr.D.SHANMUGARAJA SETHUPATHI, Advocate.

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

ORDER : The Court Made the following order :-

The petitioners/accused apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323 and 307 of I.P.C in Crime No.172 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant viz., one Karuppiah lodged a complaint before the respondent alleging that on 18.09.2018 at about 11.00 a.m., when the defacto complainant dismantled the stage, which was set up by the ruling party for a meeting held on 17.09.2018, adjacent to the said stage, the opposite party has set up another stage. At that time, the petitioners abused the Minister Vijaya Baskar with filthy language in the stage. While it was questioned by the defacto complainant, who is being attached to the ruling party, the petitioners scolded him with filthy language and also attacked the defacto complainant with iron rod. Hence, the complaint.

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3.The learned senior counsel appearing for the petitioners would submit that the pending this anticipatory bail application, the second petitioner herein was arrested and remanded to judicial custody on 21.09.2018 and hence, he seeks permission of this Court to withdraw this petition as against the second petitioner and he has filed a memo to that effect. Recording the said memo, this petition is dismissed as withdrawn in respect of the second petitioner herein. He would further submit that subsequently, the second petitioner was released on bail by the Principal Sessions Judge, by order dated 26.09.2018 made in Cr.M.P.No.2548 of 2018.

4.The learned senior counsel would further submit that the first petitioner belongs to DMK political party and also he is functioning as Secretary to District Tamil Literary . Both the petitioners participated in the meeting held on 18.09.2018 and in the meeting held between 10.00 a.m., and 12.00 noon, they were sitting on the stage. The said meeting was held by the petitioner's party against the Health Minister, who involved in Kutkha Scam and they are agitating against the Minister to resign the said post. The petitioners have nothing to do with the alleged allegations as alleged in the complaint except the agitation in the meeting. The complaint has been registered with the political motive, since the first petitioner also contested in the Member of Legislative Assembly election in the same Constituency, in which, the Health Minister was elected. Therefore, he sought for anticipatory bail to the first petitioner.

5.Per contra, the learned Additional Advocate General appearing for the State would submit that the opposite party DMK organised a demonstration on 18.09.2018 against the Gutkha Scam and the involvement of Health Minister. In fact, permission was accorded by the organisers to conduct demonstration in a peaceful manner. But, the opposite party members crossed their limit and all the speakers used vulgar words as against the Health Minister with disparaging and denigrating his status. Further, he would submit that the first petitioner has involved 9 criminal cases in Pudukkottai District including the present case and the investigation has just been commenced and in the crucial stage of investigation, if the petitioner let out on anticipatory bail, he would tamper all the witnesses. He would further submit that the allegations are serious in nature and the custodial interrogation of the first petitioner is essential to elicit the truth as well as the criminal nexus of the criminal act purported by him. Therefore, he vehemently opposed the grant of anticipatory bail to the petitioner and he prayed for dismissal of the anticipatory bail application.

6.The learned counsel appearing for the intervenor would submit that since the defacto complainant is the well wisher of the ruling party and the Health Minister, when petitioners have abused the Health Minister, he questioned the same, for which, the petitioners scolded him and also, they attacked him. He would further submit

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that if the Second petitioner is released on bail, he would tamper the witnesses and hence, he prayed for the dismissal of the petition.

7.Heard both sides and perused the materials available on record.

8.It is seen from the complaint that on 18.09.2018 at about 11.00 a.m., the petitioners participated of their DMK party in a demonstration against the Gutkha Scam and the involvement of Health Minister, on permission from the concerned authority. The petitioners are the party members and they were sitting on the stage and held Dharna and demanded the Health Minister to resign the post of Minister from the Health department, in respect of Gutkha Scam.

9.Even according to the defacto complainant, the occurrence took place on 18.09.2018 between 10.00 a.m. and 12.00 noon, whereas, the complaint has been lodged by one Karuppiah, S/o.Chelliah only on 19.01.2018. Even as per the complaint, the petitioners scolded the Health Minister with filthy language and when the defacto complainant questioned the same, the petitioners attempted to attack the defacto complainant with iron rod. No injury sustained by the defacto complainant. In respect of the involvement of the first petitioner in 9 previous cases are concerned, all are registered under Section 188 of I.P.C., which are politically motivated one. Therefore, considering the facts and circumstances of the cases, this Court is inclined to grant anticipatory bail to the first petitioner with certain conditions.

10.Accordingly, the first petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.1, Pudukkottai and on his executing 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 the first petitioner shall appear before the respondent as and when required for interrogation. The first petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

11.The first petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-
27/09/2018

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

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TO

1.THE JUDICIAL MAGISTRATE NO.I,
PUDUKKOTTAI.

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI.

3.THE SUB INSPECTOR OF POLICE
TOWN POLICE STATION,
PUDUKKOTTAI,
PUDUKKOTTAI DISTRICT.

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

+1. CC to M/S.VEERA ASSOCIATES Advocate SR.No.18514.

ORDER
IN
CRL OP(MD) No.17084 of 2018
Date :27/09/2018

RAM/VR MMS/SAR 1/28.09.2018/2P/6C

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