



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

Date : 18/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP (MD) . No.9804 of 2019

Kalaiarasan

... Petitioner/Accused
Not Known

Vs

State Rep.by
The Inspector of Police,
Thenkarai Police Station,
Theni District.
Crime No.253 of 2019.

... Respondent/Complainant

For Petitioner : M/s.B.Jameel Arasu,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

For Bail in crime No. 253 of 2019 on the file of the Respondent police.

ORDER : The Court Made the following order :-

This petition has been filed by the petitioner/ accused seeking bail for the alleged offence under Sections 147,148,149,294 (b),353,332,506(ii),323, 324, 307, 427 of IPC and Section 3(1) of TNPPDL Act

2. Heard both sides

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in the above case. He further submitted that the petitioner herein was arrested and remanded to judicial custody on 14.06.2019 and he is in custody for the past 33 days. He further submitted that peace committee meeting has been constituted and as per the decision taken by the peace committee , people of both villages agreed to keep peace and normality has been restored. He further submitted that police picketing has also been withdrawn and as of now no tension is prevailing in the said locality. He further submitted



that injured person was also discharged from the hospital. Therefore he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that there was a communal clash between the two communities and there was a panic among the public to move freely in and around the occurrence place and when the Additional Superintendent of Police, Superintendent of Police and other police officials were inspecting the occurrence place to defuse the tension between the two community peoples and to maintain peace among the people to run their normal life, they were attacked by one group of community and they sustained injuries. Hence he strongly opposed to grant bail to the petitioner. However he fairly conceded that the injured was discharged from the hospital and normality has been restored. He further submitted that police picketing also has been withdrawn and as of now no tension is prevailing in the said locality.

5. Taking into consideration the allegations made against the petitioner and also the fact that the petitioner is in custody for the past 33 days and the fact that the injured was discharged from the hospital and normality has been restored in that locality and also the fact that the police picketing also has been withdrawn and as of now no tension is prevailing in the said locality this Court is inclined to grant bail to the petitioner by imposing conditions:

[a] the petitioner is ordered to be released on bail 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 Judicial Magistrate, Periyakulam, Theni District.

[b] the petitioner stay at Karur and report before the Karur Town Police Station, daily at 10.30 A.M for a period of One Month and thereafter, as and when required for the interrogation.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

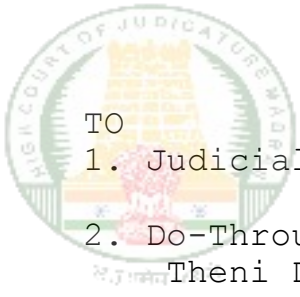
[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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

sd/-

18/07/2019

/ TRUE COPY /



TO

1. Judicial Magistrate, Periyakulam, Theni District.

2. Do-Through The Chief Judicial Magistrate,
Theni District.

3. The Superintendent, Central Prison, Madurai.

4. The Inspector of Police,
Thenkarai Police Station, Theni District.

5. The Inspector of Police,
Karur Town Police Station, Karur.

6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1. CC to M/S.J.VISHNU, Advocate SR.No.11891

ORDER

IN

CRL OP(MD) No.9804 of 2019

Date :18/07/2019

MS/VR/SAR-3/18.07.2019/3P.8C