

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.10121 of 2019

1. Jeyakannan
2. Kaliyammal
3. Muthunathan
4. Muthiah
5. Ranjith
6. Mayan @ Mayakrishnan
7. Arichandran
8. John @ Ravichandran
9. Chelladurai
10. Logan

... Petitioners/Accused (Not Arrayed)

Vs

State rep. by
The Sub Inspector of Police,
Thenkarai Police Station,
Periyakulam,
Theni District.

... Respondent/Complainant

For Petitioner : M/s.C.Christopher,
Advocate.

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

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

PRAYER :-

For Anticipatory bail in Cr.No.253 of 2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable U/s. 147,148,149,294 (b),332,353,506(ii),323,324, 307,427 of IPC and Section 3(1) of TNNPPDL Act, seek anticipatory bail

3. The learned counsel for the petitioner would submit that the petitioners are innocent and they have been falsely implicated in the above case. He further submitted that peace committee meeting has been conducted 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 He further submitted that police picketing has also been withdrawn and as of now no tension is prevailing in the said locality.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. He further submitted that some of the accused persons in this case were granted bail by this Court. Therefore he prayed to grant anticipatory bail to the petitioners.

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 anticipatory bail to the petitioners. 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. He further submitted that some of the accused in this case were granted bail by this Court.

5. Taking into consideration of the facts and circumstances of the case and also considering 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 and also the fact that some of the accused persons in this case were granted bail by this Court, this Court is inclined to grant bail to the petitioners by imposing conditions:

[6] Accordingly, the petitioners are ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Periyakulam on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] if the petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] the petitioners shall stay at Karur and report before the Karur Town Police Station, daily at 10.30 a.m for a period of three weeks and thereafter, as and when required for the 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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
18/07/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, PERIYAKULAM
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.
3. THE SUB INSPECTOR OF POLICE, THENKARAI POLICE STATION, PERIYAKULAM, THENI DISTRICT.
4. THE INSPECTOR OF POLICE, KARUR TOWN POLICE STATION, KARUR DISTRICT
5. THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.C.CHRISTOPHER Advocate SR.No.11921

ORDER
IN
CRL OP(MD) No.10121 of 2019
Date :18/07/2019

AAV