

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/08/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.11542 of 2019

1. Arputhakumar,
2. Sethuraman @ Sethuramu,
3. Sathyaraj,
4. N.Kalaiyarasan,
5. A.Naganathan,
6. M.Kandasamy,
7. K.Gunasekaran,
8. Athirethinam,
9. M.Muthuraman @ Muthuramu,
10. Radhakrishnan,
11. Abdul Pakki, ... Petitioners/Accused Nos.1 to 11

Vs

The State through
The Inspector of Police,
Thondi Police Station,
Ramanathapuram District.
(Crime No.135 of 2019). ... Respondent/Complainant

For Petitioners: M/s. Shaji Chellan,
Advocate.

For Respondent : Ms.M.Anantha Devi,
Government Advocate (Crl.Side)

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

PRAYER :-

for Anticipatory bail in Crime No.135 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
<https://hcservices.ecourts.gov.in/hcservices/>

respondent police for the offences punishable under Sections 143, 294 (b), 506 (i), 504, 153 A of IPC, Section 4A (1a) of the Open Places (Prevention of Disfigurement) Act, 1959 and Section 5 (1) of the Noise Pollution (Regulation and Control) Rules, 2000, in Crime No.135 of 2019, seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that after filing this petition, the first petitioner was arrested by the respondent police and subsequently released on bail and hence, the petition has become infructuous against the first petitioner is concerned. He further submitted that as per the FIR, on 27.07.2019, at about 11.00 a.m, Tamil Nadu Untouchability Eradication Front, Communist Party and Viduthalai Chiruthaikal Party conducted agitation in front of Thondi bus stand. In this agitation, the afore said persons delivered a speech about the Ajith Kumar murder and their speech will create law and order problems against communal harmony and against police officers. He further submitted that the petitioners are innocent persons and they have been falsely implicated in this case, and therefore, he prayed anticipatory bail to the petitioners 2 to 11.

4.The learned Government Advocate (Crl.Side) appearing for the respondent has submitted that the petitioners have conducted agitation in the public place without getting any legal permission and their speech will create problems against communal harmony and against the police officers. Hence, she strongly opposed this petition. She further submitted that the first petitioner was arrested by the respondent police and subsequently released on bail.

5.Considering the allegations made against the petitioners and also the fact that already first petitioner was arrested and subsequently released on bail and also the fact that no previous case is pending against the petitioners, this Court inclined to grant anticipatory bail to the petitioners 2 to 11 with a condition that they should stay for certain period outside their native district.

6. Accordingly, the petitioners 2 to 11 are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thiruvadanai, on condition that the petitioners 2 to 11 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:

(i) If the petitioners 2 to 11 fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioners 2 to 11 shall report before the respondent police, Town Police Station, Pudukottai District, daily at 10.30 a.m until further orders.

(iii) the petitioners petitioners 2 to 11 shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioners petitioners 2 to 11 shall not abscond either during investigation or trial.

(v) 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].

(vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

7.This petition is dismissed as against the petitioner No.1 as infructuous.

sd/-
22/08/2019

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE,
THIRUVADANAI
- 2 DO-THROUGH :THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE,
THONDI POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+1 CC to M/s.L.SHAJICHELLAN, Advocate (SR-14132[I] dated 27/08/2019
)

ORDER

IN

CRL OP(MD) No.11542 of 2019

Date :22/08/2019

dss

AE/JC/SAR-III (30.08.2019) 4P 6C



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