



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

Friday, the Twenty Ninth day of June Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) No.10173 of 2018

T.VELMURUGAN

... PETITIONER/ACCUSED No.8

Vs

STATE REP BY
THE INSPECTOR OF POLICE
VADAMADURAI POLICE STATION,
DINDIGUL
CRIME No.297 of 2018

... RESPONDENT/ RESPONDENT

For Petitioner : Mr.AJMAL KHAN Senior Counsel for
Mr.K.GANDHI KUMAR Advocate

For Respondent : Mr.CHELLAPANDIAN, Additional Advocate General
Assisted by MR.A.ROBINSON, Govt. Advocate (Crl. Side)

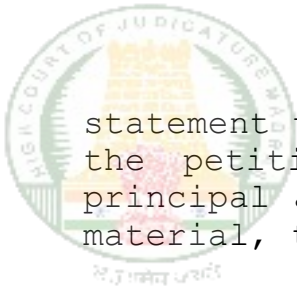
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner apprehends arrest at the hands of the respondent Police for the offences under Sections 147, 148, 341 and 307 of I.P.C. and Section 4 of TNPPDL Act and altered into under Sections 147, 148, 341, 307, 120 (b) of I.P.C. and Section 4 of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992 in Crime No.297 of 2018.

2.The learned Additional Advocate General appearing for the Prosecution submitted that on 01.06.2018 a lorry containing TASMAL liquor bottles was set fire near Vadamadurai, leading to registration of Crime No.297 of 2018 for the offences under Sections 147, 148, 341, 307, 120 (b) of I.P.C. and Section 4 of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992.

3.One Periyasamy, District Secretary of Tamizhaga Vazhvurimai Party, Dindigul District was shown as the first accused. He obviously had played a leading role in the said incident. The said Periyasamy was arrested and he has given a Confession statement. The Confession statement reads that the said act of vandalism was perpetrated as a form of protest against the arrest of the petitioner Velmurugan. It is further set out in the said confession



statement that it was carried out on the explicit direction given by the petitioner to one Muruganantham, who in turn directed the principal accused to commit the said act of vandalism. Except this material, there is no other material against the petitioner herein.

4. The learned Senior counsel appearing for the petitioner pointed that Thiru.Velmurugan was in custody since 26.05.2018, in connection with Crime No.286 of 2018, registered on the file of the Ulundurpet Police Station. The learned Senior counsel appearing for the petitioner submitted that the Villupuram Toll Plaza was attacked on 01.04.2018. In that connection, the case was registered and the petitioner was shown as the first accused. Though, the petitioner and a large number of party members were detained in the local kalyana Mandapam, the petitioner was set free in the very same event. In fact, the petitioner took part in a public meeting at Villupuram on the same day. The petitioner was not touched till 26.05.2018. The petitioner came to be arrested on 26.05.2018, only on account of his involvement in the Anti Sterlite Protest. The occurrence in question had taken place on 01.06.2018. During the relevant time, the petitioner was in Puzhal Prison. The petitioner was granted bail by the Principal Bench on 18.06.2018. The occurrence in question had taken place during the time when the petitioner was in prison.

5. This Court is of the view that there is no credible material to implicate the petitioner herein. Even according to the prosecution, the only material to implicate the petitioner is the confession given by the first accused. Even in the said confession statement, the first accused quotes only Muruganantham, who is shown as Accused No.7 in this case.

6. It is the case of the prosecution that the petitioner instigated the first accused to commit the said act of vandalism. In view of the sheer paucity of material against the petitioner, this Court is of the view that the petitioner is entitled to get anticipatory bail.

7. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Vedachandur, Dindigul District 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 petitioner shall appear before the respondent police as and when required for interrogation. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

8. The 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/-
29/06/2018

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

TO

- 1 THE JUDICIAL MAGISTRATE,
VEDACHANDUR, DINDIGUL DISTRICT
- 2 THE CHIEF JUDICIAL MAGISTRATE
DINDIGUL DISTRICT
- 3 THE INSPECTOR OF POLICE
VADAMADURAI POLICE STATION,
DINDIGUL
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. CC to M/S.K.GANDHI KUMAR Advocate SR.No.11741

ORDER
IN
CRL OP(MD) No.10173 of 2018
Date :29/06/2018

SMA/PMI/GSR/04.07.2018:3P/6C