



of TNPPDL Act in Crime No.70 of 2015 on the file of the respondent police and hence, seek anticipatory bail.

2. According to the de-facto complainant that the accused on 18.08.2015, damaged the inscription installed in Arulmigu Thandeeswarar Ayyanar Temple situated at Keelarangiyam Village.

3. The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case only on suspicion. It is further submitted that three accused in this case were arrested and released on bail.

4. The learned counsel for the petitioners further submitted that one Dr.Muthiah is claiming exclusive right over the temple viz., Arulmighu Thandeeswarar Ayyanar Temple and his right was already rejected in O.S.No.166 of 1992 and it is further submitted that on 28.04.2015, the Assistant Commissioner of HR & CE has appointed a fit person for this temple and therefore, the de-facto complainant has no loco-standi to file this present complaint.

5. Per contra, the learned counsel for the intervenor vehemently opposed granting of anticipatory bail to the petitioners contending that the inscription was installed in the year 1978 and the suit in O.S.No.166 of 1992 was laid by the villagers of Keelarangiyam against the general public in Kootathupatti claiming worship right and it is rendered in the suit has no relevance in the present complaint.

6. The learned counsel for the intervenor further submitted that the temple was constructed by the father-in-law of Dr.Muthiah and there was no dispute in installation of the inscription till the year 2012 and in the year 2013, after Dr.Muthiah's name is included, the accused have objected the same. So, Dr.Muthiah instituted a suit in O.S.No.92 of 2013 against the accused for declaration and permanent injunction, restraining the accused from damaging the inscription installed in the said temple and the suit was decreed on 09.04.2015 and thereafter, a grama sabha was conducted on 15.08.2015 in which the accused have declared that they will damage the inscription and on 18.08.2015, they damaged the inscription and causing of loss to the de-facto complainant and since the accused have acted against the decree passed in the civil suit and in a high handed manner, they are not entitled for anticipatory bail.

7. Heard the learned Government Advocate (Crl.side).

8. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or on their appearance before the learned Judicial Magistrate, Manamadurai, Sivagangai District and on their executing 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 learned Magistrate concerned and on further condition that the petitioners shall deposit a sum of Rs.2,000/- (Rupees Two Thousand only) each to the credit of Crime No.70 of 2015 before the learned Judicial Magistrate, Manamadurai, Sivagangai District without prejudice to their right in the criminal case and the petitioners shall appear before the respondent police daily twice at 10.00 a.m. and 5.00 p.m. for a period of three months thereafter as and when required. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.



9. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy is made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
12/10/2015

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WEB COPY

Sub-Assistant Registrar

TO

- 1 THE JUDICIAL MAGISTRATE, MANAMADURAI.
- 2 THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI.
- 3 THE SUB INS OF POLICE, PALAYANOOR STATION, SIVAGANGAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.P.Kalaiyarasi Bharathi, Advocate SR.No.60361
+1CC to Mr.M.Jegadhesh Pandian, Advocate, SR.No. 6273.

ORDER
IN
CRL OP(MD) No.17234 of 2015
Date :12/10/2015

AM/16.10.2015/SK.SKN/SAR-I/3P/7C