



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

Wednesday, the Twenty Eighth day of October Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.20637 of 2015

1 M.MUTHAIAH
2 S.ELANGOVA

... PETITIONERS/ACCUSED NOS.1 AND 2

Vs

THE STATE REP BY ITS
THE INSPECTOR OF POLICE
K.PUDHUPATTI POLICE STATION,
THIRUMAYAM TALUK,
PUDUKKOTTAI DISTRICT.
(CRIME NO.170 OF 2015)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S K.BAALASUNDHARAM Advocate
For Respondent : M/S.S.PRABHA, Govt. Advocate (Crl. Side)

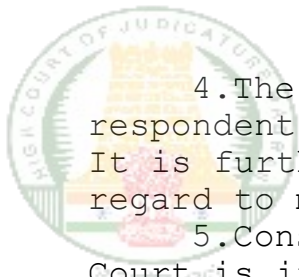
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as A1 and A2 apprehend arrest at the hands of the respondent police for the alleged offence punishable under section 379 of IPC, in Crime No.170 of 2015 on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that the accused have taken the hundial kept in the Arulmigu Pattavar Nanjuthinni Thirukovil, Nallammal Chathiram village, Thirumayam Taluk, Pudukkottai District.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. The learned counsel further submitted that the temple was managed by four Karaidhars and the 2nd petitioner was one of the Karaidhars and in respect of the dispute, a civil suit is pending in O.S.No.307 of 2015 on the file of the Sub Court, Pudukkottai and the petitioners also filed writ petition in W.P.No.10598 of 2015 with regard to the right of conducting pooja in the temple, which was also allowed on 26.06.2015.



4.The learned Government Advocate (Criminal side) for the respondent submitted that the petitioners have no bad antecedents. It is further submitted that the dispute between the parties is with regard to management of the temple.

5.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Thirumayam and on each of them 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 petitioners shall appear before the respondent police daily at 10.00 a.m until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7.The petitioners 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 stands dismissed.

sd/-

28/10/2015

/ TRUE COPY /

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

TO

- 1.THE JUDICIAL MAGISTRATE, THIRUMAYAM
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, PUDUKOTTAI DISTRICT
- 3.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
- 4.THE INSPECTOR OF POLICE, K.PUDHUPATTI POLICE STATION,
THIRUMAYAM TALUK, PUDUKKOTTAI DISTRICT.

+1. CC to M/S K.BAALASUNDHARAM Advocate SR.No.63076
RL/6 C- 30/10/2015

ORDER

IN

CRL OP(MD) No.20637 of 2015

Date :28/10/2015