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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Friday, the Sixth day of March Two Thousand Fifteen
PRESENT

The Hon`ble Mr.Justice P.N.PRAKASH

CRL OP (MD) No.2484 of 2015

NAMACHIVAYAM @ BALA NAMACHIVAYAM

... PETITIONER/ACCUSED

Vs

THE INSPECTOR OF POLICE
CHATHRAKUDI POLICE STATION,
RAMANATHAPURAM,
RAMANATHAPURAM DT,
CRIME NO.9/2015

... RESPONDENT/COMPLAINANT

CAUSE TITLE AMENDED VIDE ORDER DT.04.03.2015
IN MP.1/2015 IN CRL.OP.2484/2015

For Petitioner : MR.ANANDHA PADMANABHAN FOR M/S.V. RAGHAVACHARI Advocate
For Respondent : MR.A.P.BALASUBRAMANIAN, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 406 and 379 IPC, in Crime No.9 of 2015, seeks anticipatory bail.

2. Heard the learned counsel for the petitioner and the learned Government Advocate [Crl.side] appearing for the respondent. The respondent police is present.

3. The *de facto* complainant, in this case, is the Inspector of HR & CE Department, Paramakudi. In his complaint, the *de facto* complainant has stated that the temple is an unlisted temple and the petitioner herein is the Hereditary Trustee and presently Managing Trustee. He had cut babool trees in the land belonging to the temple.

4. It is seen that the complaint itself has been lodged by the *de facto* complainant, based on a representation given on 09.04.2012 by one Thangasampillai, against whom there is an order, removing him from Trusteeship.

<https://hcservices.courts.gov.in/hcservices/>
5. Taking into consideration of the above, I am inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is



ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Paramakudy, Ramanathapuram District, on condition that the petitioner shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10:30 a.m for a period of two weeks and thereafter as and when required for interrogation.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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]**.

The Inspector of Police concerned is directed to send compliance report to the office of the learned Additional Public Prosecutor whether the petitioner is complying with the order or not.

sd/-
06/03/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE, PARAMAKUDI, RAMANATHAPURAM DISTRICT.
 - 2 THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM.
 - 3 THE INSPECTOR OF POLICE
CHATHRAKUDI POLICE STATION, RAMANATHAPURAM, RAMANATHAPURAM DT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.V. RAGHAVACHARI Advocate SR.No.10332

ORDER IN
CRL OP(MD) No.2484 of 2015
Date :06/03/2015