



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

Friday, the Nineteenth day of June Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.10931 of 2015

1 JAYAKUMAR
2 SELVAKUMAR
3 SARAVANAN
4 MILLER PRABU
5 RAJAN
6 RAJA
7 N.SEERALAN
8 MANGAIYARKARASI
9 ARJUNAN
10 VIJAYALAKSHMI

... PETITIONER(S) / ACCUSED

Vs

THE STATE REP.BY THE INSPECTOR OF POLICE
WEST POLICE STATION, THANJAVUR,
(CRIME NO. 330 OF 2015).

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.SURESH KUMAR Advocate

For Respondent : M/S.K.V.RAJARAJAN Govt. Advocate (Crl. Side)

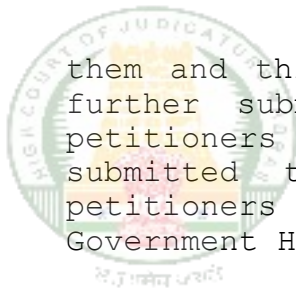
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as A1 to A10 apprehend arrest at the hands of the respondent police for the alleged offences punishable under sections 147, 151, 447, 353 of IPC r/w section 3(1) PPDL Act, in Crime No.330 of 2015 on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that the accused formed an unlawful assembly, trespassed into the parking area opposite to Thanjavur Big Temple and prevented the police personnel from discharging their duty and damaged the compound wall of the Government Hospital and also tried to put up shops.

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. It is further submitted that the petitioners are poor street vendors and they have occupied a small portion opposite to Big Temple in Thanjavur and they have been selling traditional produces for several years; that since the revenue authorities initiated proceedings to evict them, they filed a writ petition in W.P.(MD)No.9411 of 2015 seeking protection under the enforcing authorities from evicting



them and this court was also passed interim order on 11.06.2015. It is further submitted that when the injunction order was in force, the petitioners were evicted on 13.06.2015. The learned counsel further submitted that the respondent has foisted this case against the petitioners alleging that they damaged the compound wall of the Thanjavur Government Hospital to the tune of Rs.5,000/-.

4.The respondent has filed counter affidavit on 19.06.2015. The learned Government Advocate (Criminal side) submitted that the accused formed an unlawful assembly on 13.06.2015 and trespassed into the parking area of the Thanjavur Big temple and also prevented the police officials from discharging their duty and also damaged the compound wall of the Thanjavur Government Hospital. It is further submitted that the Government of India has issued notification on 30.03.2010 to preserve and protect our heritage and as per the notification, no construction, including public project takes place within the prohibited areas. It is further submitted that the petitioners have no bad antecedents.

5.Considering the above 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 No.1, Thanjavur 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/-
19/06/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO
1 THE JUDICIAL MAGISTRATE, NO.I, THANJAVUR.
2 DO THRO THE CHIEF JUDICIAL MAGISTRATE, THANJAVUR AT KUMBAKONAM.
3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
4 THE INSPECTOR OF POLICE
WEST POLICE STATION, THANJAVUR.
+1. CC to M/S.M.SURESH KUMAR Advocate SR.No.32412.

TS/24.06.2015/2P -6C