



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

Thursday, the Twenty Second day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.4377 of 2018

1 S.ALAGARSAMY
2 K.THANGAM VENKATESH
3 M.GOPI
4 BOOMINATHAN
5 ARAVINDHAN

... PETITIONERS/ACCUSED RANK NOT KNOWN

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE
ALANGANALLUR POLICE STATION,
MADURAI DISTRICT
CRIME NO. 86 OF 2018

... RESPONDENT/COMPLAINANT

For Petitioner : MR.V.KATHIRVELU, SENIOR COUNSEL FOR
M/S.KARTHIKEYA VENKITACHALAPATHY, Advocate

For Respondent : 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 petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 153(A), 294(b), 323, 427, 452, 379(NP) and 506(i) I.P.C., and Section 4 of TNHW Act @ Sections 147, 452, 294(b), 323, 427, 506(i) IPC., r/w 153-A IPC., in Crime No.86 of 2018, seek anticipatory bail.

2.The case of the prosecution is that on 11.03.2018, the petitioners and other accused trespassed into the house of the defacto complainant, wherein the defacto complainant and his followers of Christianity conducting prayer, damaged the mike set and the Holy Bible Book, abused the defacto complainant by using filthy language and threatened with dire consequences. Hence, the case has been registered for the above said offences.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons, they are no way connected with the offence, as alleged by the prosecution and prays for grant of anticipatory bail to the petitioners.



4.The learned Government Advocate (Criminal Side)appearing for the respondent submitted that the investigation is still pending.

5. The submissions made by the learned counsel appearing for either side are considered. It is alleged that during the time of occurrence, the petitioners and other 50 accused unlawfully entered into the defacto complainant's house, assaulted the people, who are present there and committed the mischief by destroying the Holy Books. The name of the petitioners have not been mentioned in the FIR. As per the confession given by the first and second accused in this case, the petitioners are added as accused in this case. Moreover, now, after completing portion of investigation, the provision of law have been altered into Sections 147, 452, 294(b), 323, 427, 506(i) IPC., r/w 153(A) IPC., in which only Sections 452 and 153-A IPC., are non bailable offence. Thereby, 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 arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Vadipatti, on condition that each of the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) the petitioners shall report before the Inspector of Police, Town Police Station, Palani, daily at 10.00 a.m., for a period of three weeks and thereafter, as and when required for interrogation;

(ii) the petitioners shall not tamper with evidence or witness either during investigation or trial;

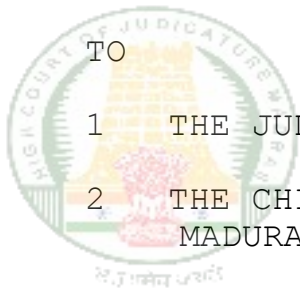
(iii) the petitioners shall not abscond either during investigation or trial;

(iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioners shall stand automatically cancelled and the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the 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]**.

sd/-

22/03/2018

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE, VADIPATTI, MADURAI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
MADURAI

3 THE INSPECTOR OF POLICE
ALANGANALLUR POLICE STATION, MADURAI DISTRICT.

4 THE INSPECTOR OF POLICE
TOWN POLICE STATION, PALANI.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.KARTHIKEYA VENKITACHALAPATHY Advocate SR.No.4595

PJL

CSL/RR/SAR-I/03.04.2018 : 3P/7C

ORDER

IN

CRL OP(MD) No.4377 of 2018

Date :22/03/2018