



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

Tuesday, the Twenty Seventh day of November Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.20963 of 2018

1 K.RAJAMANI
2 K.MUTHAMILAN
3 K.TAMILARASAN

... PETITIONERS / ACCUSED NO.1 TO 3

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
KALLIMANDAYAM POLICE STATION,
DINDIGUL DISTRICT.
CRIME NO.187 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioners: Mr.T.LENIN KUMAR, Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Government 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 offences punishable under Sections 323 and 506(i) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, 2002, in Crime No.187 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the Secretary of the Church. The petitioners who are the members of the church to collect offerings from the devotees and handed over to her directly. When the Treasurer of the church namely Solomon, came to know about it, he warned the petitioners and informed that the case has been registered against them for their illegal activities. Thereafter, the petitioners requested the complainant to hand over the collected amount to the said Solomon. On 18.11.2018, there seems to be some dispute between the defacto complainant/Secretary of the Church and the petitioners with regard to collecting offerings, at that time, the petitioners assaulted the defacto complainant with hands. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have nothing to do with



the alleged occurrence. He further submitted that the defacto complainant is an offensive premeditator and lodged a false complaint against the petitioners.

4. The learned Government Advocate (Crl.side) for the respondent police submitted that the petitioners assaulted the defacto complainant with hands on her chin. He further submitted that the Treasurer namely Solomn, had already made a complaint to the Bishop with regard to the same episode.

5. Taking into consideration the facts of the case, this Court is inclined to grant anticipatory bail to the petitioners.

6. 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, Oddanchatram, on condition that the petitioners shall execute 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 said Magistrate, on further condition that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled.

[b] the petitioners shall report before the respondent police as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, 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 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].

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

27/11/2018

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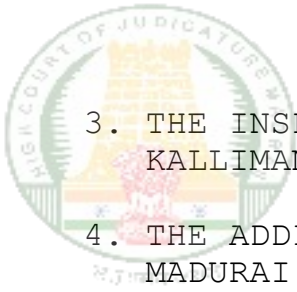
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE, ODDANCHATRAM.

<https://hcservices.ecourts.gov.in/hcservices/>

2. ~~DO THROUGH THE~~ CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.



3. THE INSPECTOR OF POLICE,
KALLIMANDAYAM POLICE STATION, DINDIGUL DISTRICT.

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

+1. CC to Mr.T.LENIN KUMAR Advocate SR.No.22251

ORDER

IN

CRL OP(MD) No.20963 of 2018

Date :27/11/2018

MS/VR-MMS/SAR-2/28.11.2018/3P.6C