



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

Friday, the Thirtieth day of November Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21234 of 2018

1 K. NATARAJ
2 K. THANGAVEL
3 V. MUTHUVEL
4 K. KUPPUSAMY
5 C. CHELLAMUTHU
6 T. JEYAPRAKASH
7 K. SARAVANA BHAGAVAN
8 R. SIVASAMY
9 C. KUMARESAN
10 C. VELLAICHAMY

... PETITIONER / ACCUSED No. 1 to 10

Vs

STATE REPRESENTED BY
SUB INSPECTOR OF POLICE
AMBALIKAI POLICE STATION,
RAMANATHAPURAM DISTRICT.
CRIME NO. 230 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioners : MR.R.SENTHIL KUMAR Advocate

For Respondent : MR.M.ASOKAN, 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 offences punishable under Sections 465 and 296 of IPC, in Crime No.230 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant claims to be hereditary trustee of the temple namely Arulmigu Vinayagar, Kaliyamman, Kuppaiyana Swami and Veerakumara swami temple in the village. The petitioners who are the residing in the same village, had registered a trust deed on 17.07.2018 before the Sub Registrar of Ottanchathiram and using the trust deed, they claimed the administration of the temple and thereby, the defacto



complainant was restrained from conducting the Adi festival of the said temple and all other regular poojas. Aggrieved over the same, the defacto complainant had given a complaint against them.

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 petitioners have preferred a complaint against the defacto complainant which has been registered in Crime No.179 of 2018 on 15.09.2018. Hence, the defacto complainant has got anticipatory bail before this Court in Crl.O.P. (MD) No.18149 of 2018.

4. The learned Government Advocate (Crl.side) for the respondent police submitted that investigation is pending.

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/-
30/11/2018

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE
ODDANCHATHRAM, DINDIGUL

2 THE CHIEF JUDICIAL MAGISTRATE
DINDIGUL DISTRICT

3 THE SUB INSPECTOR OF POLICE
AMBALIKAI POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+1. CC to MR.R.SENTHIL KUMAR Advocate SR.No.22502

ORDER

IN

CRL OP(MD) No.21234 of 2018

Date :30/11/2018

MSI/VR-MMS/SAR-II/11.12.2018-3P/6C