

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Fifteenth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mrs Justice V.BHAVANI SUBBAROYAN

CRIMINAL ORIGINAL PETITION No.12953 of 2019

1 REV CHARLES SAMRAJ (A1)
2 RT REV TIMOTHY RAVINDER (A2)

[PETITIONERS / ACCUSED]

Vs

1 THE STATE BY INSPECTOR OF POLICE [RESPONDENT]
C.2, RACE COURSE ROAD,
COIMBATORE DISTRICT,
COIMBATORE.
CR.NO.150/2019

For Petitioner : M/S.R.C.PAUL KANAGARAJ Advocate

For Respondent : MR. S.THANKIRA, Govt. Advocate (Crl. Side)

For Intervener : MS.MS.JOHSY GREETA FOR MR.KINGLY SOLOMON.J Advocate

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 under Sections 75(1) (c) of Tamil Nadu City Police Act, 1888 and 323, 506(ii) IPC in Crime No.150 of 2019, on the file of the respondent/Police, seek anticipatory bail.

2. The first petitioner is the Secretary of CSI Coimbatore Diocese and the second petitioner is the Bishop of CSI Coimbatore Diocese. The defacto complainant has filed a case against the Diocese and he always questions the activities of the administration of Diocese and interfering with the smooth conduct of the affairs. Earlier point of time, the Bishop of CSI Coimbatore Diocese, in the official capacity, appointed nine members committee for selection of post of Headmaster on 28.02.2019, which was challenged by filing a Writ Petition by the defacto complainant and one Rev.Kaviraj. On 28.02.2019, the defacto complainant and Rev.Kaviraj were talking to the

Bishop-A2 at the Bishop's residence. At that point of time, the defacto complainant was questioned by the first petitioner why he has filed a Writ Petition, and he wanted the defacto complainant to quit that place. At that time, there was a commotion and the defacto complainant alleged that he was forcibly pushed out from that place by the petitioners and one Mangalraj, Finance Advisor and one Packiyanathan, Gardener. The defacto complainant has alleged that the petitioners herein have abused the complainant in filthy language, which occurred around 3.30 p.m at the Peace Meeting, which was arranged by the Bishop and there was a problem created and due to the said problem, the complainant had chest pain and later was admitted in hospital and had given a complaint under the above Sections.

3. The petitioners' learned counsel submits that the defacto complainant has filed a case against the Diocese and interrupting with the smooth administration of the Diocese and he entered into the second petitioner's home and started creating unnecessary problems. The first petitioner had intervened and tried to pacify and sent them out. The defacto complainant went away and come back at 4 p.m along with his sons and few other persons with an intention to attack the petitioners and their office. The first petitioner found that the defacto complainant been abusing and scolding the first petitioner in filthy language. One person by name Johnny has attacked the first petitioner in head and stomach, the second petitioner sustained bleeding injury. Later, they were admitted in the hospital and on his complaint, a case in Cr.No.150 of 2019 was registered under the some Sections of IPC and Tamil Nadu City Police Act. The learned counsel for the petitioners submits that that is the case in counter and the first petitioner had given that at the earlier point of time and the respondent has not proceeded on the complaint given by the petitioners. According to the complaint in Cr.No.150 of 2019, in which the petitioners are seeking anticipatory bail, there is an admission that no one was injured.

4. The case of the prosecution is that due to wordy quarrel between the petitioners and the defacto complainant, the defacto complainant alleged to have suffered palpitation and admitted in Hospital. Hence, the complaint.

5. One Ms.Johnsy Greeta for Mr.Kingly Solomon.J, the learned counsel for the defacto complainant submits that she is intending to file an intervening petition, but not filed today and seeks time.

6.The learned Government Advocate (Criminal Side) would submit that there was no injury caused to any persons and the petitioners pushed the defacto complainant and out of which, he had palpitation and got admitted in the Hospital.

7.Considering the facts and circumstances of the case that no injury was sustained by the defacto complainant and he was also discharged from the the Hospital after sometime, 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 on which the order copy made ready, before the learned Judicial Magistrate No.III, Coimbatore 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 respondent police or the Police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which this petition for anticipatory bail shall stand dismissed and on further conditions that:

[a] the petitioners should not involve in any such kind of activities further. If they involve in such kind of activities, the concerned Police authorities shall take action in accordance with law.

[b]the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[c] the petitioners shall report before the respondent/Police thereafter as and when required for interrogation.

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

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

[f] 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 229A IPC.

-sd/-

15/05/2019

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.III, COIMBATORE

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE STATE BY INSPECTOR OF POLICE,,
C.2, RACE COURSE ROAD,
COIMBATORE DISTRICT,
COIMBATORE.

+2 CC to M/S.R.C.PAUL KANAGARAJ Advocate on payment of
necessary charges SR.NO. 9812,9874

+1 CC to M/S.KINGSLY SOLOMON Advocate on payment of necessary
charges SR.NO. 9803

WEB COPY
CRL OP.12953/2019
Date :15/05/2019

RD 20/05/2019