



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

Thursday, the Fourteenth day of February Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.2337 of 2019

1 SRINIVASAN
2 RAJESH
3 SURESH KUMAR

... PETITIONERS/ACCUSED No.1 to 3

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
VELLICHANTHAI POLICE STATION,
KANYAKUMARI DISTRICT.
(CRIME NO.5/2019)

... RESPONDENT/COMPLAINANT

For Petitioners : MR.S.DEENADHAYALAN, Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate(Crl.Side)

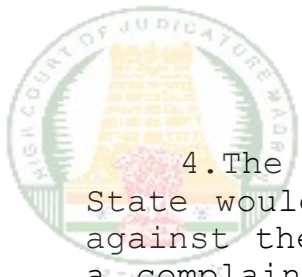
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 341, 294 (b), 323, 295(A) and 506(ii) IPC, in Cr.No.5 of 2019 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the Pastor along with three others persons preached the Christianity in the locality, at that time the petitioners abused the defacto complainant and others using filthy languages and assaulted them and spread kumkum and vibuthi on their face, for which the defacto complainant Pastor filed the complaint before the respondent police.

3.The learned counsel appearing for the petitioner would submit that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution. The defacto complainant forming group and issued pamphlets and Gospel speech relating to Christianity and tried to convert the poor people into Christianity and the same has been questioned by the petitioners and others. Hence, the false complaint has been filed against the petitioners. However, the petitioners also lodged a complaint against the defacto complainant, but no case was registered against them till date.



4.The learned Government Advocate (Crl.Side) appearing for the State would submit that the defacto complainant lodged a complaint against the petitioner. Apart from that the petitioners also lodged a complaint against the defacto complainant, in which a case was registered in Crime No.9 of 2019 for the offences punishable under Sections 147, 447, 294(A) IPC.

5.Considering the facts and circumstances of this case and it is a case in counter case, 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 No.I, Eraniel, Kanyakumari District, 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 and on further condition that:

(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(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]**; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

14/02/2019

/ TRUE COPY /



1 THE JUDICIAL MAGISTRATE NO.I,
ERANIEL, KANYAKUMARI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL

3 THE INSPECTOR OF POLICE
VELLICHANTHAI POLICE STATION,
KANYAKUMARI DISTRICT.

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

+1. CC to MR.S.DEENADHAYALAN, Advocate SR.No.3083

ORDER

IN

CRL OP(MD) No.2337 of 2019

Date :14/02/2019

TM

PK/JC/SAR-2/19.02.2019 : 3P/6C