



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

Wednesday, the Twenty Seventh day of March Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.4586 of 2019

1 RENI
2 VISHNU
3 REJI
4 RAJESH
5 VINITH

... PETITIONERS/ACCUSED No.1 to 5

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
MARTHANDAM POLICE STATION,
KANYAKUMARI DISTRICT.
(CRIME NO.104/2019)

... RESPONDENT/COMPLAINANT

For Petitioners : MR.K.P.NARAYANAKUMAR, Advocate

For Respondent : MR.A.ROBINSON, Government Advocate (Crl.Side)

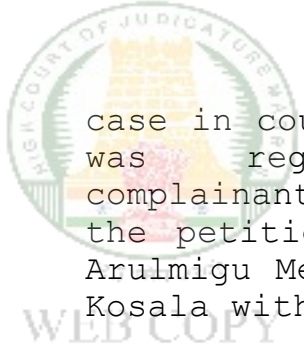
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

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 147, 148, 341, 294(b), 324, 506(ii) and 379 of IPC in Crime No.104 of 2019 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that petitioners prevented the deity procession in Putthansanthai Muthumariamman Temple, nearby Kottamavilai. While questioning the same the petitioners and other accused persons snatched the 1½ sovereigns of gold chain and a sum of Rs.8,000/- from the defacto complainant. Thereafter, the petitioners abused the defacto complainant, attacked him and also threatened with dire consequences. Thereby, the defacto complainant sustained injuries and was admitted in hospital. On the basis of the complaint lodged by the defacto complainant, the respondent police registered a case against the petitioners.

3.The learned counsel appearing for the petitioners would submit that the petitioners have been falsely implicated in this case and they have nothing to do with the alleged offence. It is a



case in counter and on a complaint given by the petitioners, a case was registered in Cr.No.105 of 2019 against the defacto complainant. However, on instruction, he would further submit that the petitioners are ready to deposit any amount in favour of the Arulmigu Meenakshi Sundareswarar Temple, Madurai for the welfare of Kosala without prejudice to their contentions.

4.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that injured has been discharged from the hospital. However, on a complaint given by the petitioners a case in counter has been registered against the defacto complainant in Cr.No.105 of 2019. He would further submit that investigation is still pending. However, bail may be granted by imposing stringent conditions.

5.Considering the facts and circumstances and considering the fact that the injured had been discharged from the hospital , this Court is inclined to grant anticipatory bail to the petitioners. 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 No.2, Kuzhithurai, 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 shall deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand Only) by way of Demand Draft drawn in favour of the Arulmigu Meenakshi Sundareswarar Temple, Madurai for welfare of Kosala. The proof of such payments shall be produced at the time of executing the bond.

(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 daily at 10.30 a.m.,until further orders;

(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]**; and;

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

sd/-
27/03/2019

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.2, KUZHITHURAI.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL
 - 3 THE INSPECTOR OF POLICE
MARTHANDAM POLICE STATION, KANYAKUMARI DISTRICT.
 - 4 THE OFFICER INCHARGE,
ARULMIGU MEENAKSHI SUNDARESWARAR TEMPLE,
MADURAI
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1. CC to M/S.K.P.NARAYANAKUMAR Advocate SR.No.5626

ORDER
IN
CRL OP(MD) No.4586 of 2019
Date :27/03/2019

VSG
PK/JC/SAR-2/01.04.2019 : 3P/7C