



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

Thursday, the Tenth day of January Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.478 of 2019

S.P.CHIDAMBARAM

... PETITIONER / SOLE ACCUSED

Vs

STATE THROUGH
THE INSPECTOR OF POLICE,
CHERANMAHADEVI POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO.3/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.S.R.A.RAMACHANDHRAN Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI Govt. Advocate
(Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b) and 506(i) IPC r/w Section 92(a) of the Rights of Persons with Disabilities Act, 2016, in Cr.No.3 of 2019 seeks anticipatory bail.

2. The learned counsel for the petitioner would submit that the petitioner is the Administrator of the Temple in Cheranmahadevi. The defacto complainant and five others are belonging to the opposite group. There is a dispute with regard to the administration of the temple. For which, a civil suit in O.S.NO.15 of 2018 is pending before the District Munsif Court, Cheranmahadevi. In which, a notice was sent to the petitioner. The petitioner had lodged a complaint against the defacto complainant for threat caused to the petitioner. For which, a CSR receipt was issued. During the enquiry in CSR, the petitioner is said to have abused and threatened the defacto complainant in the presence of the police officials, which is highly artificial and counter blast. He would further submit that the petitioner is 76 years old. He is having 60% disability and also he has got only 10% vision. Hence, he prays for anticipatory bail.

3. Heard the learned counsel for the petitioner and the learned Government Advocate (crl. Side).

4. Taking into consideration the facts of the case and the submissions made by the learned counsel, this Court inclined to



grant anticipatory bail to the petitioner.

5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Cheranmahadevi, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, each for a like sum to the satisfaction of the said Magistrate, on further conditions that:

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

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

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

[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

10/01/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE, CHERANMAHADEVI.

2 THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI .

3 THE INSPECTOR OF POLICE
CHERANMAHADEVI POLICE STATION, TIRUNELVELI DISTRICT.

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

+1. CC to Mr.S.R.A.RAMACHANDHRAN Advocate SR.No.613
PS/PN/SAR-4/22.01.2019/2P/6C

ORDER

IN

CRL OP(MD) No.478 of 2019

Date :10/01/2019