



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

Monday, the Twenty Second day of April Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.5105 of 2019

SOMA SUNDAR SINGH

... PETITIONER / ACCUSED NO.1

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
PALAYAMKOTTAI POLICE STATION,
TIRUNELVELI CITY.
(CRIME NO.173/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.T.SELVAN Advocate

For Respondent : MR.S.CHANDRASEKAR
Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 341, 294(b) and 506(i) of IPC in Cr.No.173 of 2019, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the village temple is situated in Government Poramboke land and therefore some of the village people constructed shop in the land in order to generate temple income. It is the further case that the defacto complainant parked his car in the temple premises, thereby the temple authorities prevented the defacto complainant to park his car in front of the temple, thereby he filed a complaint before the respondent police.

3.The learned counsel appearing for the petitioner is Sub Registrar and he did not commit any offence as alleged by the prosecution.

4. This Court issued direction to the HR &CE Department authorities to inspect the temple premises and file a report before this Court, accordingly the authorities visited the temple and



enquired the temple authorities and assured to take over the temple in favour of the HR& CE Department.

5. The learned Additional Public Prosecutor would submit that no persons will be allowed to park any vehicles in front of the temple.

6. Considering the facts and circumstances of the case and also considering the fact that the HR& CE department has come forward to take the temple Administration in favour of them, this Court is inclined to grant anticipatory bail to the petitioner. 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 No.I, Tirunelveli 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 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 petitioner 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;

(b) the petitioner shall report before the respondent police daily at 10.30 a.m until further orders.

(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]**; and;

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

sd/-
22/04/2019

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TO

1. THE JUDICIAL MAGISTRATE NO. I,
TIRUNELVELI.

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3. THE INSPECTOR OF POLICE,
PALAYAMKOTTAI POLICE STATION,
TIRUNELVELI CITY.

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

+1. CC to MR. T. SELVAN Advocate SR.No. 61734

ORDER

IN

CRL OP (MD) No. 5105 of 2019

Date : 22/04/2019

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AE/JC/SAR-1/ (25.04.2019) 4P 6C