



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

Friday, the Twelfth day of April Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.5552 of 2019

1 THANGARAJ,
2 ALAGHU,

... PETITIONERS / ACCUSED 1 & 2

Vs

THE STATE REP.BY
THE SUB INSPECTOR OF POLICE
ULAGAMPATTI POLICE STATION,
SINGAMPUNARI TALUK,
SIVAGANGAI DISTRICT.
(CRIME.NO.21/2019)

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.V.NAGENDRAN 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 petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 147, 294 (b), 323, 506(i) and 309 of IPC in Cr.No.21 of 2019, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner is the Maniyakkarar and the second petitioner is a Poosari. Based on this Court direction, the festival was performed by the Executive Officer, HR and CE Department. The petitioners were went to the temple, at the time of worship, they demanded Mariyathai for which the first petitioner misbehaved with the Poosaries and thereafter the first petitioner threatened the Executive Officer thereby the Executive Officer lodged a complaint against the petitioners.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and he is an innocent person. However, on instruction he would further submit that the petitioner is ready to deposit Rs.10,000/- (Rupees Ten Thousand Only) and the said amount may disburse to the defacto-complainant without prejudice to his rights.



4. The learned Government Advocate (Crl. side) appearing for the respondent police would submit that investigation is still pending. He would further submit that since the petitioners themselves have come forward to pay Rs.10,000/- to the defacto complainant and he has no serious objection for grant of anticipatory bail.

5. Considering the facts and circumstances and also considering the fact that there is no specific overtact against the petitioners, 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, Thiruppathur, Sivagangai District, on condition that the petitioners 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 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;

(b) the petitioners shall pay a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime No.21 of 2019 within a period of two weeks from the date of receipt of a copy of this order and the learned Magistrate shall disburse the amount in favour of the defacto complainant for the purpose of daily worship after verification of the identity within two weeks after the receipt of the money deposited;

(c) the petitioners shall report before the respondent police 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



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

sd/-
12/04/2019

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

TO

- 1 THE JUDICIAL MAGISTRATE,
THIRUPPATHUR.
- 2 THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI.
- 3 THE SUB INSPECTOR OF POLICE,
ULAGAMPATTI POLICE STATION, SINGAMPUNARI TALUK,
SIVAGANGAI DISTRICT .
- 4 ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.V.NAGENDRAN Advocate SR.No.6797

PS/VR/SAR-2/23.04.2019/3P/6C

ORDER
IN
CRL OP(MD) No.5552 of 2019
Date :12/04/2019