

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI**

( Criminal Jurisdiction )

Date : 19/06/2019

WEB COPY

PRESENT

**The Hon`ble Mr.Justice P.RAJAMANICKAM****CRL OP(MD). Nos.7883 and 7884 of 2019**

1.R.Ramesh Kumar,  
2. S. Bharath @ Bharath Singh,  
3. S. Vijayan, ... Petitioner /Accused Nos. 6 TO 8  
in CRL OP(MD). No.7883 of 2019

1. V. Sambasivam,  
2. N. Muthu Ezhil,,  
3.V.Sahadevan,  
4. S.Selvakumar, .... Petitioners /Accused Nos. 1, 3 TO 5  
in CRL OP(MD). No.7884 of 2019

Vs

The State of Tamil Nadu,  
The Inspector of Police,  
Kottar Police Station,  
Kanyakumari District.  
Crime No.209/2019. ... Respondent/Complainant in  
both Crl.O.Ps

Mr.T.Udhayakumar ... Intervenor/defacto complainant  
in CRL MP(MD).NOS.5225 & 5226 of 2019  
in CRL OP(MD).NOS.7883 & 7884 OF 2019

For Petitioner : MR.H.Velavadhas  
in CRL OP(MD). No.7883 of 2019  
: MR.ANANTH C.RAJESH  
in CRL OP(MD). No.7884 of 2019  
For Respondent : Mr.V.Neelakandan  
Additional Public Prosecutor  
in both petitions  
For Intervenor : Mr.N.Dilip Kumar for  
Mr.Y.Jegadeesh  
in both petitions



PRAYER :-

For Anticipatory Bail in Crime no.209/2019 on the file of the respondent police.

ORDER : The Court Made the following common order :-

The Accused Nos.6 to 8/petitioners in CrI.O.P(MD).No.7883 of 2019 and Accused Nos.1, 3 to 5/petitioners in CrI.O.P(MD).No.7884 of 2019, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 295(A), 420, 423 of I.P.C, in Crime No.209 of 2019, seek anticipatory bail.

2.The learned counsel appearing for the petitioners has submitted that the petitioners are trustees of 'Thiru Irulappan Nadar Uravinmurai Trust'. He further submitted that the said trust was properly registered. With regard to the said trust, a trust deed has been executed on 27.11.2014 and the same was properly registered before the Registrar of Societies. He further submitted that as per the F.I.R, the petitioners have collected Rs.1000/- each from one Sudhesingh and his son Gowtham Inian and also from various persons in the name of the village temple. He further submitted that the petitioners have collected only subscription from the aforesaid persons i.e Sudhesingh and his son Gowtham Inian. Apart from that, they have not collected any amount from any other person. He further submitted that the defacto complainant has no right to oppose with regard to establishment of a trust by the petitioner and also for collecting subscription for membership and therefore, he prayed to grant anticipatory bail to the petitioners.

3.Per contra, learned counsel for the defacto complainant/intervenor in both the petitions has submitted that the defacto complainant is an advocate and at present, he is the President of the Hindu Nadar Samuthaya Vagai Siva Devasthanam. He further submitted that the petitioners are collecting amount from the public in the names of the temples of Siva Devasthanam by saying that they are the trustees of the said Siva Devasthanam. Hence, he strongly opposed these petitions.

4.The learned Additional Public Prosecutor appearing for the respondent has adopted the arguments advanced by the learned counsel for the defacto complainant/intervenor. Therefore, he also opposed these petitions.

5.Taking into consideration of the fact that the petitioners have created a trust and registered the same on 27.11.2014 and also the fact that the petitioners have collected subscription only from the members and also the fact that the learned counsel for the petitioners gave an undertaking that the petitioners will not collect the amount in the name of the defacto complainant's trust i.e Hindu Nadar Samuthaya Vagai Siva Devasthanam



and its temples, this Court is inclined to grant anticipatory bail to the petitioners by imposing certain conditions.

6. 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, Valliyur, Tirunelveli on condition that each of 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) If the petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioners shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter, as and when required before the respondent police for interrogation.

(iii) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioners shall not abscond either during investigation or trial.

(v) 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].

[vi] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-  
19/06/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE,  
<https://hcservices.ecourts.gov.in/hcservices/>  
VALLIYUR, TIRUNELVELI DISTRICT.



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

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

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

+1 CC to M/s.H.VELAVADHAS, Advocate ( SR-10064[I] dated 20/06/2019 )  
+1CC TO MR.ANANTH C.RAJESH, ADVOCATE IN SR.NO.10062  
+1CC TO MR.Y.JAGADEESH, ADVOCATE IN SR.NO.70018

ORDER  
IN  
CRL OP(MD) . Nos.7883 and 7884 of 2019  
Date :19/06/2019

VS  
AE/PN/SAR-IV (27.06.2019) 4P 8C