

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.8890 of 2019

Thirugnanasampanthan Petitioner/Accused No.2

Vs

The State of Tamil nadu
Rep. By its Inspector of Police,
Kottar Police Station,
Kanyakumari District,
Crime No.209/2019. Respondent/Complainant

For Petitioner : M/s. Anantha C. Rajesh,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

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

ORDER : The Court Made the following order :-

The Accused No.2, 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, seeks anticipatory bail.

2.Heard both sides.

3.The learned counsel appearing for the petitioner has
submitted that the petitioner is a trustee 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 petitioner and other accused persons 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 petitioner has collected only subscription from the aforesaid persons i.e Sudhesingh and his son Gowtham Inian. Apart from that, the petitioner and other accused persons have not collected any amount from any other persons. 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. He further submitted that A1, A2, A3 & A5 to A8 were already released on anticipatory bail by this Court, and therefore, he prayed to grant anticipatory bail to the petitioner.

4.Per contra, Additional Public Prosecutor 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 petitioner and the other accused persons are collecting amount from the public in the name of the temples of Siva Devasthanam by saying that they are the trustees of the said Siva Devasthanam. Hence, he strongly opposed this petition. However, he fairly conceded that A1, A2, A3 & A5 to A8 were already released on anticipatory bail by this Court.

5.Taking into consideration of the fact that the petitioner and the other accused persons have created a trust and registered the same on 27.11.2014 and also the fact that the petitioner and the other accused persons have collected subscription only from the members and also the fact that the learned counsel for the petitioner gave an undertaking that the petitioner 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 petitioner by imposing certain conditions.

6. Accordingly, the petitioner is 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 petitioner fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioner 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 petitioner shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioner 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/-
11/07/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE, VALLIYUR, TIRUNELVELI

2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE, KOTTAR POLICE STATION,
KANYAKUMARI DISTRICT, CRIME NO.209/2019

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

+1. CC to M/S. ANANTH C. RAJESH Advocate SR.No.11657

ORDER
IN
CRL OP(MD) No.8890 of 2019
Date :11/07/2019