



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

Tuesday, the Twenty Second day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21119 of 2018

THAVASI

... PETITIONER /PETITIONER /
3RD ACCUSED

Vs

THE STATE THROUGH
THE INSPECTOR OF POLICE
USILAMPATTI TALUK POLICE STATION,
USILAMPATTI. MADURAI DISTRICT.
Crime No.213/2018

... RESPONDENT / RESPONDENT/
COMPLAINANT

For Petitioner : Mr.J.SENTHIL KUMARAIAH Advocate

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

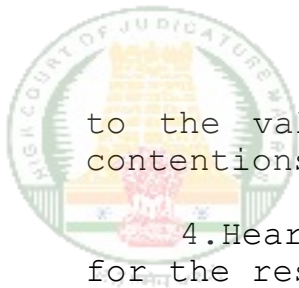
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120(B), 457 and 380 of IPC, in Cr.No.213 of 2018 seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is Vice President of Sri Arulmigu Kalyana Karuppasamy Temple Trust. Hundiyaal in the said Temple was found missed two years back and all offering of the Temple had been stolen. Further, it was found that the Temple Bell, Ceiling Fan and Wall-clock have been stolen and thereafter, lodged a complaint. The respondent police has registered a case against 7 persons. Accused Nos.1,2 & 4 have been arrested and this petitioner is A3.

3.The contention of the petitioner is that the petitioner is being a brother-in-law of the Temple Poosari. There is a dispute between the Poosari and Temple Trust, for which a false case has been foisted against the petitioners. The role of the petitioner is that he was sitting out side the temple doing a Guard facilitating the other accused to commit the offence. Due to rivalry, a false case has been foisted against the petitioner. He would further submit that the petitioner is ready to donate the Bell to the Temple



to the value of Rs.15,000/- without prejudice to his rights and contentions.

4. Heard the learned Government Advocate (Crl.side) appearing for the respondent.

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5. Taking into consideration the facts of the case and the submissions by learned counsels, this Court is inclined to grant anticipatory bail to the petitioner.

6. 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, Usilampatti on condition that the petitioner shall donate a Bell to the Temple worth about Rs.15,000/- and to produce the Bill before the executing Court and on further 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 condition that:

[a] if the petitioner failed 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 daily at 10.30 a.m., for a period of two weeks and thereafter, 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
22/01/2019

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE NO I,
USILAMPATTI.

2. THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3. THE INSPECTOR OF POLICE,
USILAMPATTI TALUK POLICE STATION,
USILAMPATTI. MADURAI DISTRICT.

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

+1. CC to Mr. J. SENTHIL KUMARAI AH Advocate SR.No.1049

ORDER

IN

CRL OP (MD) No.21119 of 2018

Date : 22/01/2019

TK/JC/SAR-1/28.01.2019/3P/6C