



WEB COPY

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.9754 of 2019

1. Manimuthu

2. Kandasamy

... Petitioners/Accused (Ranks not known)

Vs

State

rep by the Inspector of Police,

Puliyankudi Police Station,

Tirunelveli District.

(Cr.No.2/2018) .

... Respondent/Complainant

For Petitioners: M/s.P.Saravanakumar,
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 Cr.No.2 of 2018 on the file of the
respondent Police.

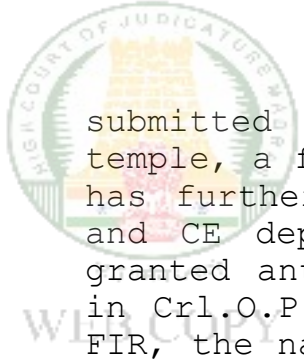
ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the
respondent police for the offences punishable under Section 295(A)
of IPC and Section 3 of TNPPDL Act, in Crime No.2 of 2018, seek
anticipatory bail.

2. Heard both sides.

<https://hcservices.ecourts.gov.in/hcservices/>

3.The learned counsel appearing for the petitioner has



submitted that there was a dispute regarding administration of temple, a false case has been registered against the petitioners. He has further submitted that the disputes are pending before the HR and CE department. He further submitted that already this Court granted anticipatory bail to one of the accused namely, Gurunathan in Crl.O.P.(MD).No.10345 of 2018. He further submitted that in the FIR, the name of the petitioners has not been mentioned. He further submitted that the petitioners are in no way connected with the above case. Hence, he prayed for grant of anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent police has submitted that after the said occurrence, on 05.01.2018 at about 8.p.m the petitioner herein and three others have assembled at the bus stop of Mullikulam and they have talked that they only caused damage to the statues which are mentioned in the F.I.R. Hence, he strongly opposed this petition.

5.Apart from the aforesaid statement, no other material has been produced by the learned Additional Public Prosecutor to show that these petitioners have committed any offence. Further, already this Court granted anticipatory bail to one of the accused namely Gurunathan in Crl.O.P.(MD).No.10345 of 2018. Further, already the disputes are pending before the HR and CE department and also before this Court.

6.Taking into consideration the aforesaid facts, this Court is inclined to grant anticipatory bail to the petitioners.

7. 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 District Munsif-cum-Judicial Magistrate, Sivagiri, on condition that 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 three 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.

<https://hcservices.ecourts.gov.in/hcservices/> (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 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 5560].

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

sd/-
11/07/2019

/ TRUE COPY /

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

TO

- 1 THE DISTRICT MUNSIF-CUM-JUDICIAL MAGISTRATE, SIVAGIRI
- 2 DO THRO THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT
- 3 THE INSPECTOR OF POLICE, PULIYANKUDI POLICE STATION,
TIRUNELVELI DISTRICT (CR.NO.2/2018)
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.P.SARAVANAKUMAR Advocate SR.No.11575

ORDER
IN
CRL OP(MD) No.9754 of 2019
Date :11/07/2019

vsg
JM-I/VR/SAR-3/22.07.2019/3P-6C