

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2020

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THE HONOURABLE MR.JUSTICE. **M. NIRMAL KUMAR**

Crl. O.P. No.8551 of 2020

Arumugam Sanjeevi (M/62)
S/o. Sanjeevi

... Petitioner/A1

Vs.

The State Rep. by,
The Inspector of Police,
Shiva Kanchi Police Station,
Periya Kancheepuram,
Kancheepuram District – 631 502
(Crime No.2176/2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C, to enlarge the petitioner on bail in Crime No.2176 of 2020 pending on the file of the respondent police.

For Petitioner. : Mr. R. Krishna Prasad

For Respondent: Mr. S. Karthikeyan,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on **22.05.2020** for the offence punishable under Sections **147, 448, 323, 506(1) of the Indian Penal Code read with Section 3(1) of the Tamil Nadu Public Property (Prevention of Damages and Loss) Act, 1992 in Crime No.2176 of 2020**, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the watchman of the Kanchi Udasin Mutt, Kancheepuram had lodged a complaint stating that on 22.05.2020, the petitioner along with Pachayapa and Pandian and two unknown persons had trespassed in to the Mutt and attacked and threatened them and also damaged the properties. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is the Manager of the Kanchi Udasin Mutt and he was working under Mahand Basand Dass Bhavaji for the past several years. The Udasin Mutt was administered by its Madathipathi Mahand Basand Dass Bhavaji till his death on 01.10.2019. Thereafter, there were two groups claiming right over the Mutt by Ganesh Dass and another read by Devi Dass and thereafter,

there have been several cases filed against them. This petitioner representing the Mutt, had filed a petition before the Land Tribunal, Chennai, in the year 2018, for grant of Patta. Further, he had also given evidence for the Mutt in an earlier criminal case in C.C.No.43 of 2013 on the file of the learned Judicial Magistrate-I, Chengalpattu, which is still pending. Now both the groups claims that the petitioner has been removed from the post of Manager since it was not convenient for them in dealing with the properties of the Mutt as per their wish. Since, the head quarters of the Mutt so far as not nominated any person as Madathipathi, these two groups claimed themselves to have right over the Mutt and that the petitioner had been regularly informing the head quarters about these two rival groups which lead them to create a false case against the petitioner. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the Kanchi Udasin Mutt had several crores worth property in and around Kancheepuram. The earlier Madathipathi Mahand Basand Dass Bhavaji died on 01.10.2019. Thereafter, there have been two rival groups claiming right over the Mutt and thereby to take control of the properties of the Mutt. The

head quarters of the Mutt so far not nominated any person and not given clear instructions about nomination of the Madathipathi as well as further incharge and control of the Mutt properties. Though the petitioner was removed from the post of Manager by the earlier Madathipathi, taking advantage of his death and absence, the petitioner wanted to enter in to the Mutt and thereby to take over the administration of the Mutt. Therefore, the petitioner along with four others forcibly attempted to enter in to the Mutt and thereby he had committed the above offence. Hence he vehemently opposed for the grant of bail to the petitioner.

6. Considering the facts and submissions and placed materials, and considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

- (a) the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only) before the Superintendent of the concerned prison, in which the petitioner has been confined on their release;
- (b) the petitioner shall execute two sureties for a sum of Rs.10,000/-

(Rupees ten thousand only) each, before the concerned Magistrate within 15 days from the date of lifting of the lockdown and commencement of regular functioning of the Court below, failing which the bail granted by this Court shall stand dismissed automatically;

- (c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;
- (d) the petitioner shall not enter and create any problem in to the Mutt and report before the respondent police as and when required for interrogation.
- (e) the petitioner shall not commit any offences of similar nature;
- (f) the petitioner shall not abscond either during investigation or trial
- (g) the petitioner shall not tamper with evidence or witness either during investigation or trial;
- (h) On breach of any of the aforesaid conditions, the learned Judicial 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]***;

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

7. With the above directions, this Criminal Original Petition is ordered.

12.06.2020

Index: Yes/No
Internet: Yes/No
Speaking order/Non Speaking order

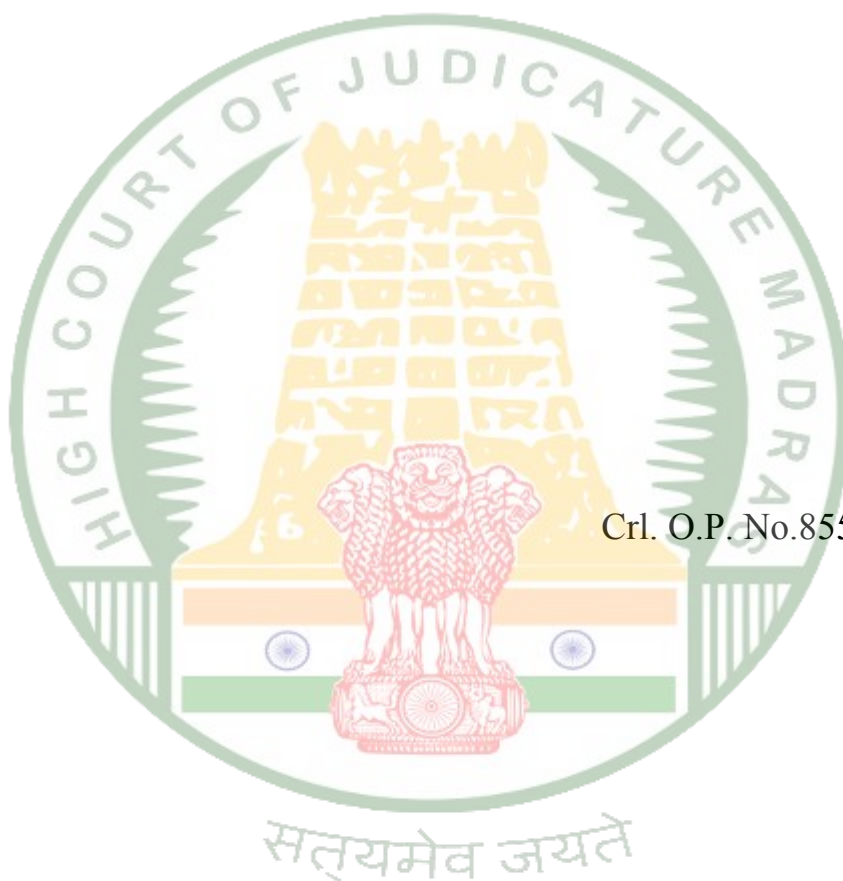
SSI

To

1. The Judicial Magistrate No.I,
Kancheepuram.
2. The Inspector of Police,
Shiva Kanchi Police Station,
Periya Kancheepuram,
Kancheepuram District – 631 502
3. The Public Prosecutor,
High Court, Madras
4. The Superintendent,
Sub Jail, Kancheepuram.

M. NIRMAL KUMAR, J.

SSI



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