



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

Date : 10/02/2020

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL MP(MD). No.280 of 2020
in
CRL OP(MD). No.17647 of 2019

Francis Rajasekar ... Petitioner/ Defacto complainant

Vs

1.Moses Duraikan Samuel

2.Sammangalaraj Moses Duraikan ...Respondents 1 & 2/ Petitioners/
Accused 1 & 2

3.The State rep.by

The Inspector of Police,
Karur Town Police Station,
Karur District.

Crime No.759/2019.

... 3rd Respondent/Complainant

For Petitioner : M/s.A.Ananda Raj,
Advocate.

For R-3 : Mr.A.Robinson,
Government Advocate (Crl.Side).

For R-1 & R-2 : Mr.B.Prasanna Vinod, Advocate

PRAYER :-

To cancel the Anticipatory bail granted to the 1st and 2nd respondent /1st and 2nd accused in Crl.O.P.(MD) NO.17647/2019 on the file of this Court and thus render justice.

ORDER : The Court Made the following order :-

Respondents 1 and 2 were granted anticipatory bail by this Court, vide order dated 28.11.2019 in Crl.O.P.(MD)No.17647 of 2019.

2. The learned Government Advocate(Crl. Side) pointed out that the accused are Pastors and the allegation made against them is that they have been indulging in several sexual activities inside the church premises. But no complaint has been received from any victim. The petitioner is only a member of the church. On the other hand it was alleged on behalf of the accused that the morphed photographs have been maliciously published in the media and that there is no truth in the allegations.



3. Since the case of the prosecution and the defence of the accused rest on the allegations and counter allegations, I took the view that it is not a case for arresting the accused. Hence, anticipatory bail was granted to the accused. To cancel the same, this petition has been taken up by the defacto complainant.

4. I am of the view that no case for cancellation of anticipatory bail has been made out. If the grievance of the defacto complainant is that the accused should be kept out from the church, remedy open to the defacto complainant is to move the civil Court for injunction. The defacto complainant cannot seek the said object by filing cancellation of anticipatory bail. Leaving open all the respective rights, this petition stands dismissed.

sd/-
10/02/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1.THE JUDICIAL MAGISTRATE, KARUR.
- 2.DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
- 3.THE INSPECTOR OF POLICE,
KARUR TOWN POLICE STATION,
KARUR DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.MUTHU GANESA PANDIAN, Advocate (SR-2851[I] dated 11/02/2020)

ORDER
IN
CRL MP(MD) No.280 of 2020
IN
CRL OP(MD) No.17647 of 2019
Date :10/02/2020

PMU
TK/JC/SAR.3/14.02.2020/2P/6C