



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

Date : 01/07/2020

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PRESENT

The Hon'ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.6893 of 2020

1. Kaliyamurthi
2. Murali

... Petitioners/Accused Nos.2&3

Vs

The State rep. by
The Inspector of Police,
Pattukkottai Police Station,
Thanjavur District.
(Crime No. 1309 of 2020).

... Respondent/Complainant

For Petitioner : M/s.S.Deenadhayalan,
Advocate.

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

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

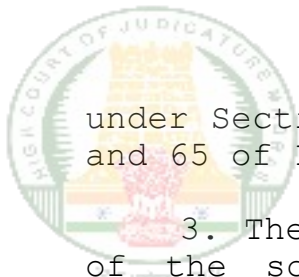
PRAYER :-

For Anticipatory Bail in Crime No.1309 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondent.

2. The First Information Report has been registered on the basis of the complaint given by one Justin Selvakumar. The petitioners herein, who were former trustees of the school by name Five Star Matriculation School, broke open the gate of the school on 05.06.2020 and trespassed into the school premises and damaged the articles found in the Director room, reset the password and removed the documents kept in the bureau. Along with the complaint, the de-facto complainant had also enclosed the CCTV footage of the event. The respondent police has registered a case for the alleged offence



under Sections 147, 148, 427, 448, 380, 120-B of IPC and Sections 66 and 65 of Information Technology Act, 2000.

3. The petitioners herein claimed that they are actual trustees of the school. Since the de-facto complainant took over the management of the school, the petitioner herein over-locked the school premises. To enable the students to take up the 10th examination, they were forced to broke open the over-lock in this regard they have already given a complaint to the respondent police and the same is registered as CSR. Further, it is submitted that the first petitioner is 75 years old and had nothing to do with the alleged occurrence and the second petitioner who happened to be the son-in-law of the first petitioner has been falsely implicated in this case. There is a civil dispute pending between the parties regarding the management of the school.

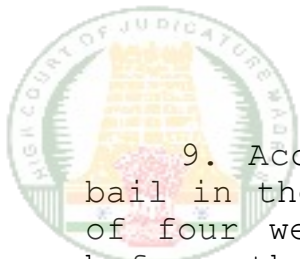
4. The learned counsel appearing for the petitioners would submit that the other accused in this case were arrested and released on bail.

5. Taking into consideration the age of the first petitioner and his standing in the society, anticipatory bail may be considered. Regarding the second petitioner it is stated that he is working as a Secondary Grade Teacher in the Education Department and if he is arrested it will cause great prejudice to his reputation and service.

6. The learned Additional Public Prosecutor appearing for the State would submit that the rivalry between the two groups to take over the management of the school has led to the alleged occurrence. The CCTV footage produced by the de-facto complainant reveals the aggression and violent act of the petitioner. Instead of settling their dispute in the manner known to law, the petitioners have taken law into their own hand and destroyed the school property and also removed vital documents from the school premises.

7. On perusing the petition and the submissions made by the learned counsel for the petitioners, this Court finds that the petitioners herein and the de-facto complainant are at loggerhead in respect of managing the affairs of the Five Star Matriculation School. The de-facto complainant has placed *prima facie* materials for the respondent police to register a case against these petitioners for the offences under Sections 147, 148, 427, 448, 380, 120-B of IPC and Sections 66 and 65 of Information Technology Act, 2000.

8. Taking into consideration the age of the first petitioner and the employment of the second petitioner, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



9. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Pattukkottai, Thanjavur District, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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:

(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders;

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 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 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]**; and;

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

sd/-
01/07/2020

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

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



TO

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

ORDER
IN
CRL OP (MD) No.6893 of 2020
Date :01/07/2020

SJI
SRS/ VR/ SAR-II/ 03.07.2020/ 4P/5C