



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/08/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8913 of 2020

1. Ramesh
2. Sundar

... Petitioners/Accused No.1 & 2

Vs

State Rep.by
The Sub Inspector of Police,
Kumbakonam East Police Station,
Thanjavur District.
Crime No.1074/2020.

... Respondent/Complainant

For Petitioner : M/s.M.Karunanithi,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-For Anticipatory Bail in Crime No.1074/2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners who are arrayed as A-1 & A-2 apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 506(2) and 442 of IPC, in Crime No.1074 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are arrayed as A-1 & A-2 and the defacto complainant is the trustee of the temple. Based on the directions issued by the learned Judicial Magistrate No.I, Kumbakonam, the First Information has been registered by the respondent police in Crime No.1074 of 2020. The allegation against the petitioners is that the petitioners said to have trespassed into the temple and abused the trustees by using filthy language and threatened him with dire consequences and also caused damage to portraits. Hence, the complaint.



3. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl. Side) appearing for the respondent.

4. The learned counsel appearing for the petitioners submitted that due to civil dispute pending between the parties in respect of managing temple, a false case has been foisted against the petitioners. Hence, he seek anticipatory bail.

5. The learned Government Advocate (Crl. Side), on instructions, submitted that civil dispute is pending between the parties in respect of managing temple properties.

6. Considering the rival submissions and also considering the fact that civil dispute is pending between the parties with regard to management of temple properties and hence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Kumbakonam, 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 as and when required for interrogation.

(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



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

sd/-
25/08/2020

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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.

TO

1. THE JUDICIAL MAGISTRATE NO.I, KUMBAKONAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE SUB INSPECTOR OF POLICE,
KUMBAKONAM EAST POLICE STATION, THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.8913 of 2020
Date :25/08/2020

MS/VR/SAR-2/27.08.2020/3P.5C