



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/12/2020

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PRESENT

The Hon'ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) .No.14044 of 2020

1.Siva
2.Muruganantham
3.Neeleshwari ... Petitioners/Accused Rank Nos.2,3,5

Vs

The State rep.by
The Inspector of Police,
Peravorani Police Station,
Peravorani, Thanjavur District.
(In Crime No.1290 of 2020). ... Respondent/Complainant

For Petitioners: Mr.V.Selvakumar,
Advocate.

For Respondent : Mrs.M.Ananthadevi,
Government Advocate (Crl.Side)

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

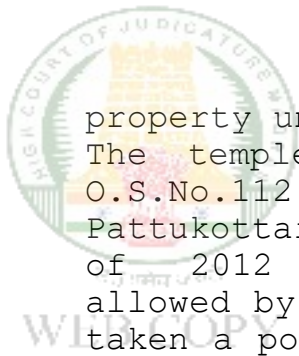
PRAYER :-

For Anticipatory Bail in Crime No.1290 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A2, A3 and A5, apprehending arrest at the hands of the respondent police for the offences punishable under sections 147, 148, 447 IPC and Section 3 of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, in Crime No.1290 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant namely, S.Balasubramniyan, who is the Executive Officer of the Arulmigu Veeremakaliyamman Thirukovil gave a complaint before the respondent police station stating that on 29.11.2020 the petitioners and 25 others came to the site in Survey No.94 (0-24) cents the said



property under the control of Arulmigu Veeramakaliyamman Thirukovil. The temple authority had taken a possession through Court in O.S.No.112 of 2009 on the file of the District Munsif Court, Pattukottai. Based on the decree, the temple authority filed E.P.37 of 2012 before the District and Sessions Court. The same was allowed by the Court below. Based on the, the temple authority had taken a possession on 24.01.2020. The petitioners and other accused persons came to the said land at 29.11.2020 at about 6.00 a.m. and broke open the seal and damaged the property worth about Rs.10,000/-. Hence, the case has been registered.

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 the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioners.

5.The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioners and other accused were said to have caused damage to the road. Hence, the crime has been registered against the petitioners and others.

6.Considering the facts and circumstances of the case this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners shall pay a sum of Rs.15,000/- (Rupees Fifteen thousand only) jointly to the defacto complainant and on producing of acknowledgement, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Pattukottai, 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:

(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 10.00 a.m for a period of two weeks without fail and thereafter as and when required for interrogation;

