IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.Nos.404,405 409 and 416 of 2021

PV Srinivasan ... Petitioner in Crl.O.P.No. 404 /2021

K. Vasu devan ... Petitioner in Crl.O.P.No. 405 /2021

P V Malaolan ... Petitioner in Crl.O.P.No. 409 /2021

E. Ranganathan ... Petitioner in Crl.O.P.No. 416 /2021

Vs.

State rep. by
Station House Officer,
B2 Vishnu Kanchi Police Station,
FIR 3870 of 2020
Chinna Kanchipuram
(Crime No.3870 of 202) ... Respondent in all Crl.O.P's

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of arrest by the respondent police connected with Crime No.3870 of 2020 on the file of the respondent police.

For Petitioner : Mr.V. Raghavachari

For Intervenor(Thenkalai): Mr.A.R.L.Sundaram(Senior Counsel)
Mr. Srinivasa Raghavan(Senior Counsel)
Mr. Hema Sampath(Senior Counsel)
Mr.M.V. Swarop Thambi
Mr.Rangarajan Narasimhan

For Intervenor
(Vadakalai) : Mr.Sathish Parasaran(Senior Counsel)
Mr. N.V. Balaji

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

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COMMON O R D E R
(The case has been heard through video conference)

The petitioner, who apprehends arrest for the alleged offences under Sections 353 of Indian Penal Code 1860, in Crime No.3870 of 2020, on the file of the respondent Police, seek anticipatory bail.

2. The case of the prosecution is that, the complainant is the Executive Officer/ Assistant Commissioner of Arulmigu Devaraja Swamy temple, Kanchipuram. The allegation is that there are two sects of people doing poojas in the above said temple. One is called Thenkalai Sect and another is called Vadakalai Sect. While the defacto complainant/ Executive officer trying to implement the order passed in contempt petition No.367 of 2020 and Contempt Appeal Nos.6 and 8 of 2020, there is a wordy quarrel between both the sects and the Vadakalai Sect lead by one Vasudevan prevented the Executive Officer from implementing the order passed by this Court. Hence, the complaint.

3. Mr.V. Raghavachari, the learned counsel appearing for the petitioner would submit that there is a long standing dispute between the parties relating to recitation of Prabandams or Thaniyan in the temple. The earlier decree passed by the Civil Court did not prevent the people belonging to Vadakalai Sect from recitation of Prabandams or Thaniyan in the temple. Now people belonging to Thenkalai Sect are preventing them from recitation of Prabandams or Thaniyan in the temple. Now, the Executive Officer trying to support the people belonging to Thenkalai Sect and a false complaint has been filed against the petitioner.

4. The learned Additional Public Prosecutor would submit the petitioner belongs to Vadakali and unnecessarily interfering and opposing the Thenkalai Sect in recitation of Prabandams or Thaniyan in the temple. He would further submit that the petitioner prevented the Executive officer from discharging his duties. Therefore, he opposed to grant anticipatory bail to the petitioner.

5. The learned counsel for the intervenor would submit that as per the decree passed in the year 1915 in which Thenkalai people has given the right to recite of Prabandams or Thaniyan in the temple and no right has been given to the Vadakalai Sect. When the people belonging to Vadakalai Sect was trying to do recitation of Prabandams or Thaniyan in the temple, they have filed a contempt petition before this Court and certain orders were passed and that order has been set aside by the Division Bench, now the matter was remitted back. When the matter is pending, once again the Vadakalai Sect is creating trouble. Hence, the complaint.

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6. I have considered the rival submissions made by the counsel appearing for the petitioner and the intervenor.

7. On perusal or records it shows that there is a long standing dispute between the parties and civil suit has been filed from the year 1915, and various litigations are pending between the parties. Now, a contempt petition is also pending before this Court.

8.Considering the facts and circumstances of the case and now only the allegation against the petitioner is that he along with other people prevented the executive officer from implementing the orders passed by the Court, this court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is directed to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.I, Kancheepuram on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix his 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 petitioner shall report before the respondent Police as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 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].

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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
27/01/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, KANCHEEPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 STATION HOUSE OFFICER
B2,VISHNU KANCHI POLICE STATION,
CHINNA KANCHEEPURAM.

CC to M/S.V.RAGHAVACHARI Advocate on payment of necessary charges

CRL OP.Nos.404, 405, 409 & 416/2021

Date :27/01/2021

cs 16/02/2021

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