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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/01/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.653 of 2021

1. G.Kasiramar
2. M.Nagarajan
3. V.Ariramachandran
4. V.Gandhi
5. N.Seetha
6. M.Manimegalai ... Petitioners/Accused Nos.1 to 6

Vs

The Sub - Inspector of Police,
Elanchampoor Police Station,
Ramanathapuram District.
Crime No.2/2021. ... Respondent/Complainant

For Petitioners : Mr.R.M.Makesh Kumaravel,
Advocate.
For Respondent : Mr.K. Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-
For an Anticipatory Bail in Crime No.2 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as Accused No.1 to 6, apprehending arrest at the hands of the respondent police for the offences punishable under sections 147, 336, 341 and 353 of IPC, in Crime No.2 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are belonged to the same community and the statue of the Sri Pasumpon Muthuramalinga Thevar was erected in their village without the

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permission of the Government. When the Government authorities tried to cover the statue with the cloth, the same was opposed by the petitioners. Hence, the present 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 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 are belonged to the same community and the statue of the Sri Pasumpon Muthuramalinga Thevar was erected in their village without the permission of the Government. When the Government authorities tried to cover the statue with the cloth, the same was opposed by the petitioners.

6.Considering the facts and circumstances of the case and also considering the fact that the petitioners opposed the Government authorities to do his official duty and there is no other serious allegation levelled against the petitioners, 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 two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Mudugulathur, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with one surety 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;

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(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/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
20/01/2021

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/ /2021

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, MUDUGULATHUR.

2.-DO-THRO'THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3 THE SUB-INSPECTOR OF POLICE,
ELANCHAMPOOR POLICE STATION,
RAMANATHAPURAM DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to Mr.L.PRABHAKARAN, Advocate (SR-349[I] dated 21/01/2021)

ORDER
IN
CRL OP(MD) No.653 of 2021
Date :20/01/2021

vsg
MS/VR/SAR-III (29/01/2021) 3P / 6C

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