



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

Date : 24/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.2902 of 2021

1.Jegan
2.Sreekanth
3.Bala
4.Arjunan
5.Deepa

... Petitioners/Accused
No.1 to 5

Vs

The State rep.by
The Inspector of Police,
Eraniel Police Station,
Kanyakumari District.
Crime No.569 of 2020

... Respondent/Complainant

For Petitioners : Mr.C.T.Perumal,
Advocate.

For Respondent : Mr.M.V.Chandrasekaran,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.569 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A5, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 447, 294(b), 427, 323 and 506(ii) of IPC, seek anticipatory bail.

2.The case of the prosecution is that due to previous enmity between the petitioners and the de-facto complainant, the petitioners forcefully entered into the Sriman Narayanaswamy Temple belonging to the de-facto complainant's group and damaged the temple articles and when the same was questioned by the de-facto complainant, the petitioners attacked the de-facto complainant and others. Hence, the complaint.



3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent person and they have been falsely implicated in this case.

4.The learned Government Advocate (Crl.Side) appearing for the State would submit that it is a case and case in counter case and the investigation is pending.

5.It is seen that both the petitioners and the de-facto complainant group residing in the same village. The de-facto complainant had earlier conducted a meeting in the temple during the corona restrictions for which the petitioners had informed to the authorities and action was taken, due to which, there is enmity between two groups and later, fight arose and the petitioners group entered into the temple of the de-facto complainant's group and damaging the temple articles. In retaliation the de-facto complainant's group had also damaged the petitioners' temple articles. It is a counter case. Hence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Eraniel, Kanyakumari District, 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 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
24/02/2021

/ TRUE COPY /

WEB COPY

/ /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,
ERANIEL, KANYAKUMARI DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE INSPECTOR OF POLICE,
ERANIEL POLICE STATION,
KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.C.T.PERUMAL, Advocate (SR-1409[I] dated 24/02/2021)

ORDER
IN
CRL OP(MD) No.2902 of 2021
Date : 24/02/2021

SJI
NR/PN/SAR.4/05.03.2021/3P/6C