



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 18/03/2021

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.4149 of 2021

1. R.Ajith Kumar
2. S.Jakshan
3. A.Nishan Raja
4. R.Muppalani
5. R.Shajin
6. S.Iyyadurai
7. P.Kannan
8. V.Sathish

... Petitioners/Accused Nos.4,6,2,5,9,8,3,7

Vs

The State rep.by,  
The Inspector of Police,  
Sathankulam Police Station,  
Thoothukudi District  
Crime No. 65/2020..

... Respondent/Complainant

For Petitioner : M/s.Vishnu  
for Mr.K.Samidurai,  
Advocate.  
For Respondent : Mr.M.V.Chandrasekaran,  
Government Advocate (Crl.Side)

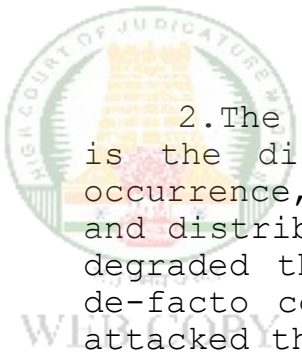
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory bail in Crime No.65/2020 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused 2 to 9, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 295(A) and 506(ii) of IPC, seek anticipatory bail.



2.The case of the prosecution is that the de-facto complainant is the district leader of the Hindu Munnani. On the date of occurrence, all the accused are said to have unlawfully assembled and distributed the pamphlets about Christianity at Puliyanakulam and degraded the Hindu Religion. When the same was questioned by the de-facto complainant and others, all the accused are said to have attacked the de-facto complainant. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that A-1 in this case was seriously injured and admitted in the hospital.

4.The learned Government Advocate(Crl.Side) appearing for the respondent would submit that investigation is pending.

5.It is seen from the records shows that the petitioners were carrying on propagation of their religion, so that, they went to Puliyanakulam for distributing pamphlets. While passing through Puliyanakulam in Tirunelveli, this was questioned by one Sundaravel and Ponniyaji and thereafter, a wordy quarrel arose and they were beaten up badly. In fact, two of the accused A-1 and A-10 had beaten badly and the medical records have also been produced. The propagation of once religion should not disturb or cause annoyance to the other. Only the peaceful manner, the propagation has to be done. Further, it is seen that in this case, the petitioners' group, had also sustained injuries.

6.In view of the same, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

7.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, Sathankulam, 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  
<https://hccourtscorpus.in/> 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 5560]***; and;

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

sd/-

18/03/2021

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/ /2021

Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

SJI

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,  
SATHANKULAM.

2 DO-THROUGH :  
THE CHIEF JUDICIAL MAGISTRATE, TUTICORIN DISTRICT.

3 THE INSPECTOR OF POLICE  
SATHANKULAM POLICE STATION,  
THOOTHUKUDI DISTRICT

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

+1. CC to M/S.K.SAMIDURAI Advocate SR.No.2274

ORDER

IN

CRL OP(MD) No.4149 of 2021

Date :18/03/2021

NR/PN/SAR-II(23.03.2021) 3P:6C

<https://hcservices.ecourts.gov.in/hcservices/>