



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/04/2021

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PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.6058 of 2021

1. Kutty @ Surendar
2. Raja
3. Venkatesan
4. M.Mahadevan

... Petitioners/Accused 1 to 4

Vs

State Rep. by
The Sub Inspector of Police,
Somarasampet Police Station,
Trichy District.
Crime No.201 of 2021.

... Respondent/Complainant

For Petitioner : Mr.Vinayak.S,
Advocate.

For Respondent : Mr.Kr.Bharathikannan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.201 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 323, 427 and 506(i) of IPC, in Crime No.201 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is working as Watchman in Sri Annakamatchi Amman Temple. On 12.04.2021, after eating non-veg food, the petitioners said to have demanded the de-facto complainant to switch on the motor to clean the temple premises. The de-facto complainant told them, after eating non-



veg food, not to go inside the temple. Therefore, all the petitioners joined together and attacked him and scolded him and damaged Rs.5,000/- worth of articles in the temple. Hence the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case and hence, they seek anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that the injured has been discharged from the hospital and that the investigation is pending.

5.Considering the nature of the offence and also the fact that the petitioners are said to have damaged Rs.5,000/- worth of temple articles, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are directed to jointly deposit a sum of Rs.5,000/- (Rupees Five Thousand Only) to the credit of Crime No.201 of 2021 within a period of two weeks from the date of receipt of a copy of this order without prejudice to their rights and contentions before the concerned Magistrate. On such deposit, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.V, Trichy 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:

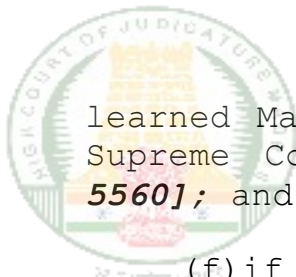
(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the respondent police daily at 10.30 am., until further orders

(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



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/-

28/04/2021

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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 NO.V, TRICHY DISTRICT.

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

3 THE SUB INSPECTOR OF POLICE,
SOMARASAMPET POLICE STATION,
TRICHY DISTRICT.

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

ORDER

IN

CRL OP(MD) No.6058 of 2021

Date :28/04/2021

sjj

JM/SKN/SAR IV/05.05.2021/3P/5C