



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 30.07.2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP (MD)No.10139 of 2021

1.Kumar
2.Kandan
3.Selvaraj
4.Arumugasamy
5.Raja
6.Kannan
7.Ganeshan
8.Maridurai

... Petitioners/Accused No.1 to 8

Vs

The State Represented by,
The Inspector of Police,
Kadayanallur Police Station,
Tenkasi District.
Crime No.282 of 2021

... Respondent/Complainant

For Petitioners : Mr.B.Jeyakumar,
Advocate.

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

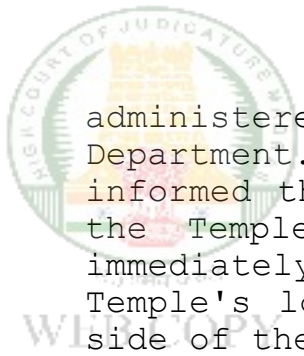
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-For Anticipatory Bail in Crime No.282 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 448 and 427 of IPC and Section 3 of Tamil Nadu Public Property (Prevention of Damage & Loss) Act, 1992 altered to Sections 147, 448, 427 of IPC and Section 3 of Tamil Nadu Public Property (Prevention of Damage & Loss) Act, 1992 in Crime No.282 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is working as the Executive Officer in Arulmighu Gopalakrishnasamy Vagaiyara Temple at Krishnapuram. Arulmighu Kaliyamman Temple, Krishnapuram come under his administration. It is being



administered by Hindu Religious and Charitable Endowments Department. On 12.07.2021, at about 08.11 pm, one Arunachalam informed the defacto complainant that the lock and stone plaque of the Temple were broken. The defacto complainant visited there immediately along with the Accountant Muthukumar and found that the Temple's lock was broken. The stone plaque installed on the left side of the Temple wall was also found broken. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution. He further submitted that the petitioners are erecting new Mandapam and the other group wants the old stone plaque to be also installed in the new Mandapam. Hence, this case is falsely foisted against the petitioners.

4.The learned Government Advocate (Criminal Side) opposed this petition on the ground that investigation is still pending. He further submitted that the 1st petitioner has 7 previous cases against him, the 3rd petitioner has 1 previous case against him, the 7th petitioner has 1 previous case against him and the 8th petitioner has 2 previous cases against him. Therefore, he seeks dismissal of this petition.

5. Considering the nature of the incident, this Court is inclined to grant anticipatory bail to the petitioners 2, 4, 5 and 6. However, considering the fact that the petitioners 1, 3, 7 and 8 have previous cases pending against them, this Court is not inclined to grant anticipatory bail to them. Therefore, this Criminal Original Petition is allowed in part.

6.Accordingly, the petitioners 2, 4, 5 and 6 are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate, Tenkasi, Tenkasi District on condition that the petitioners 2, 4, 5 and 6 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a]the petitioners 2, 4, 5 and 6 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 2, 4, 5 and 6 shall report before respondent police daily at 10.30 am., until further orders.

[c]the petitioners 2, 4, 5 and 6 shall not tamper with evidence or witness or attempt to influence any witness during investigation or trial.



[d]the petitioners 2, 4, 5 and 6 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 2, 4, 5 and 6 in accordance with law as if the conditions have been imposed and the petitioners 2, 4, 5 and 6 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].

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

sd/-

30/07/2021

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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,
TENKASI, TENKASI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE,
KADAYANALLUR POLICE STATION, TENKASI DISTRICT.

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

+1 CC to MR.B.JEYAKUMAR, Advocate (SR-4986[I] dated 02/08/2021)

ORDER

IN

CRL OP(MD) No.10139 of 2021

Date :30/07/2021

MBI

MK/SKN/SAR.II/04.08.2021/3P/6C