



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date :25/10/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.13179 of 2021

1. K.Ramamoorthy
2. R.Nambupitchai
3. Kath Alias L.R.Ganesan
4. Kalidass Alias G.Haridas
5. R.Saravanan
6. K.C.Namburajan ... Petitioners/Accused

Vs

The State rep.by
The Inspector of Police,
Rameswaram Town station,
Ramanathapuram District.
Cr. No.71/2020. ... Respondent/Complainant

For Petitioners : Mr.M.KARTHIKEYA VENKITACHALAPATHY,
Advocate.

For Respondent : Mr.P.KOTTAI CHAMY
Government Advocate (Crl.side)

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

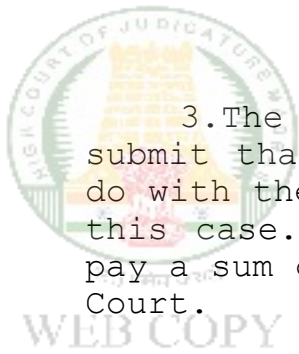
PRAYER :-

For Anticipatory Bail in Crime No.71 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners apprehending arrest at the hands of the respondent police for the offence punishable under sections 147, 448, 294(b), 323, 506(i) and 153 A of IPC., in Crime No.71 of 2020, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 21.03.2020, when the de facto complainant and his associates belonging to Christian Religion were conducting prayer meeting in his house, the people living in the street objected to it and the petitioners trespassed into the house and scolded in filthy language and threatened to the life of the defacto complainant and insulted his religious feelings. Hence, the complaint.



3.The learned counsel appearing for the petitioners would submit that the petitioners are innocents and they have nothing to do with the alleged offence and they have been falsely implicated in this case. However, to show their *bona fide*, they are prepared to pay a sum of Rs.5,000/-each, to any organization as directed by this Court.

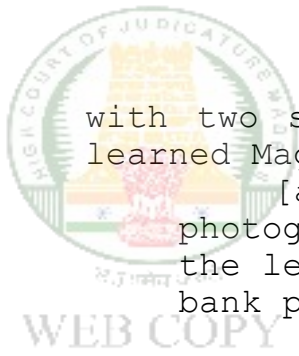
4.The learned Government Advocate (Crl.side) submitted that it is a case and case in counter. There is no law and order problem.

5.It appears that this Court has already granted anticipatory bail to the petitioners in Crl.OP(MD).No.6461 of 2020 on 22.06.2020 and the same was dismissed due to non compliance of the condition imposed by this Court.

6.Considering the facts and the circumstances of this case, the antecedent of the petitioners and their willingness to pay a sum of Rs.5,000/- each, this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, this Criminal Original Petition is allowed on condition that **the petitioners shall pay a sum of Rs.5,000/- (Rupees Five Thousand Only) each, in favour of the District Green Committee, Ramanathapuram District**, without prejudice to their rights and contentions before the trial Court and produce the receipt / acknowledgment before the learned Judicial Magistrate, Rameswaram.

7.The District Green Committee, which was formed as per the Government Order in G.O.Ms.No.39, Environment, Climate Change and Forest (FR.13) Department, dated 02.07.2021, pursuant to the directions of this Court in W.P.No.11094 of 2021, shall utilize the amount paid by the petitioners for plantation of trees on either side of the road, tree guard, drip irrigation, manure, etc., with public participation, including, NGOs, Confederation of Industries, Rotary Clubs, Lions Clubs, School Students, College Students, Self Help Groups, labours under MGNREGS and any other volunteers, etc., to achieve 100% survival rate of the planted trees. The State Green Committee shall extend their support in this regard by recommending the correct variety / species of trees, in accordance with the soil type and climatic conditions and also for the maintenance. The maintenance of the trees planted has to be reviewed by the District Green Committee, after two years and necessary appreciations have to be made to the stakeholders concerned in the form of certificates.

8.On production of receipt / acknowledgement for having paid the amount before the District Green Committee, the petitioners 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 learned Judicial Magistrate, Rameswaram, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each,



with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a] the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Judge may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b] Further the petitioners are directed not to conduct mass prayer sessions, till the Government lifts the order of lock down;

[c] The petitioners are directed to appear before the respondent police as and when required, for interrogation;

[d] The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner 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.

9. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

10. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

sd/-

25/10/2021

/ TRUE 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
RAMESWARAM.



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3 THE INSPECTOR OF POLICE,
RAMESWARAM TOWN STATION,
RAMANATHAPURAM DISTRICT.

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

COPY TO:

1 THE OFFICER INCHARGE
DISTRICT GREEN COMMITTEE,
RAMANATHAPURAM DISTRICT.

2 THE OFFICE INCHARGE
STATE GREEN COMMITTEE, CHENNAI.

+1. CC to MR.M.KARTHIKEYAVENKITACHALAPATHY, Advocate SR.No.7403

ORDER

IN

CRL OP(MD) No.13179 of 2021

Date :25/10/2021

SA/SKN/SAR.4/29.10.2021/4P/8C