



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

Date : 14/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.13084 of 2021

1.Rajangam
2.Anbu (Alais) Anbalagan
3.Sevugaperumal
4.Periyakaruppan s/o Malaiyan
5.Periyakaruppan s/o Periyaiah
6.Perumal
7.Kailasam (Alais) Raman
8.Raja
9.Ajeeth (Alias) Ajith
10.Vijay
11.Arumugam
12.Sivaraman
13.Chinnaiah
14.Bhuvaneshwaran

... Petitioners/Accused

Vs

State, Rep by
The Inspector of Police,
Kottampatti Police Station,
Madurai District.
(Crime No.79 of 2021)

... Respondent/Complainant

For Petitioners: Mr.P.Subba Reddy,
Advocate.

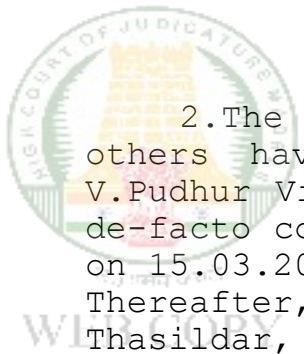
For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.79 of 2021 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 alleged offence punishable under Sections 147, 148, 186, 189, 294(b), 353, 332, 324, 307 and 506(ii) IPC and Section 3(1) of the Tamil Nadu Property (Prevention of Damage and Loss Act) 1992 in Crime No.79 of 2021, seek anticipatory bail.



2.The case of the prosecution is that the accused persons and others have erected a statue of Muthuramalinga Thevar in the V.Pudhur Village, without any permission. On knowing the same, the de-facto complainant/Village Administrative Officer reached the spot on 15.03.2021 at about 11.00 p.m., along with the village Assistant. Thereafter, the authorities including the respondent police, Deputy Thasildar, Additional Superintendent of Police, Deputy Superintendent of Police, etc. came to the village. When the authorities tried to persuade the villagers to remove the statue, the accused persons and others have attacked the authorities, and damaged the vehicles. Hence, the complaint.

3.The learned counsel for the petitioners submits that the petitioners are innocents, they have not committed any offence as alleged by the prosecution, but they have been falsely implicated in this case. He further submits that totally there are 31 accused in this case, out of which, 15 accused have already been arrested and released on bail by the Sessions Court. He further submits that the petitioners will not commit any offence in future and they have also filed an undertaking affidavit to that affidavit.

4.The learned Government Advocate (Crl. side) for the respondent police submits that in the occurrence, a Head Constable sustained injury on the wrist and apart from that, an ambulance driver has also suffered injury.

5.The villagers have attempted to install a statute without obtaining any permission from the Government. When the authorities attempted to remove the statue, there was a problem between the villagers and the police. A charge was also effected, in which, some of the villagers have suffered injury and some of the officials have also suffered injury. Considering the manner in which the occurrence took place and also considering the affidavit filed by the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly this petition is allowed and 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, Melur, 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 learned Magistrate concerned and on further conditions 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioners shall report before the respondent police daily at 10.30 a.m, until further orders.



[c]the petitioners shall not tamper with the 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 5560]**.

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

sd/-

14/09/2021

/ TRUE COPY /

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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, MELUR.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
KOTTAMPATTI POLICE STATION,
MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.P.SUBBA REDDY, Advocate (SR-6217[I] dated 14/09/2021)

ORDER

IN

CRL OP(MD) No.13084 of 2021

Date :14/09/2021

SJI

MS/PN/SAR-3/23.09.2021/3P.6C