



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

Date : 22/10/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.15774 of 2021

1. Kumar
2. Selvaraj
3. Ganeshan
4. Maridurai

... Petitioners/Accused No.1,3,7,8

Vs

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

... Respondent/Complainant

For Petitioners: Mr.V.P.Rajan,
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.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 TNPPDL ACT, in Crime No.282 of
2021, seek anticipatory bail.

2.The case of the prosecution is that 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. He would further submit that this Court had granted anticipatory bail to the co-accused in Crl.O.P(MD).No.10139 of 2021 dated 30.07.2021.

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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 1 previous case against him, the 2nd petitioner has no previous case against him, the 3rd petitioner has 2 previous cases against him and the 4th petitioner has no previous cases against him. Therefore, he seeks dismissal of this petition.

5.Considering the facts and circumstances of the case, the antecedent of the petitioners and also the fact that this Court has granted anticipatory bail to the co-accused, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, this criminal original 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, Tenkasi, Tenkasi District, on condition that the petitioners shall execute a separate 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 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 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/-
22/10/2021

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/ /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, 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.

ORDER
IN
CRL OP(MD) No.15774 of 2021
Date :22/10/2021

GBG/TTA
MS/PN/SAR-4/26.10.2021/3P.5C