



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/11/2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.16899 of 2021

1. P.Thangaraj,
2. T.Manikanda Prabhu,
3. T.Makara Jothi Prabhu, ... Petitioners/
Accused No.1 to 3

Vs

State Rep. By
The Inspector of Police,
Eraniel Police Station,
Kanyakumari District.
(in Crime No.610 of 2021). ... Respondent/Complainant

For Petitioners : M/s.Rajesh Kumar.R,
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. 610 of 2021 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioners/Accused No.1 to 3 apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 427 and 506(ii) of IPC in Crime No.610 of 2021 on the file of the respondent police, seek anticipatory bail.

<https://hcservices.courts.mca.gov.in/hcservices/courts/ma> of the prosecution is that on 10.04.2021, the accused persons trespassed into the temple and destroyed the amman idol using iron rod and other weapons. When the same was questioned



by the defacto complainant, the accused persons scolded him with filthy language and threatened with dire consequences. 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, but, a false case has been foisted as against him. However, to show their *bona fide*, they are prepared to deposit a sum of Rs.15,000/- to the credit of Crime No.610 of 2021 without prejudice to their rights and contentions before the trial Court.

4.The learned Government Advocate (Crl.Side) appearing for the respondent strongly opposed this petition on the ground that the petitioners have damaged the idol in a temple. The said idol is the family deity of the parties and there is a dispute among the family members in shifting the idol. He further submitted that the investigation is yet to be completed.

5.Considering the facts and circumstances of the case, the nature of allegation levelled against the petitioners and their willingness to deposit a sum of Rs.15,000/- to the credit of Crime No.610 of 2021, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, this Criminal Original Petition is allowed on condition that the petitioners shall deposit a sum of Rs.15,000/- to the credit of Crime No.610 of 2021 before the learned Judicial Magistrate, Eraniel, Kanyakumari District. On such deposit, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate Court, Eraniel, Kanyakumari District, 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 petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned 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

<https://hcservices.ecourts.gov.in/hcservices> 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**



5560J; and;

(f)if the accused/ petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

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01/11/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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

ORDER
IN
CRL OP(MD) No.16899 of 2021
Date :01/11/2021

SB/JC/SAR-I/15.11.2021/3P/5C