



CrI.O.P.No.25208 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2022

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THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

CrI.O.P.No.25208 of 2022

1. Arivu @ Arivalagan
2. Prabu
3. Parthiban
4. Veeramani

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Mannargudi Town Police Station,
Thiruvarur District.
(Crime No.105/2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners on bail in connection with the Crime
No.105 of 2020 pending investigation on the file of the respondent Police.

For Petitioners : Mr.Swami Subramanian

For Respondent : Mr.C.E.Pratap
Government Advocate (CrI.Side)



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 28.09.2022 for the offences punishable under Sections 294(b), 506(i) of IPC and Section 3(1) of Tamil Nadu Public Property (Prevention of Damage & Loss) Act, 1992, in Crime No.105 of 2020 on the file of the respondent police, seek bail.

2. The case of the prosecution is that due to the dispute regarding administration of temple, the petitioners abused the de-facto complainant and caused damage to the temple by destructing it with JCB. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent person and due to the dispute with regard to the administration of temple, false complaint has been lodged against these petitioners. He would further submit that earlier this Court had granted anticipatory bail in Crl.O.P.No.4957 of 2020 dated 09.03.2020 to the petitioners with a condition to deposit a sum of Rs.50,000/- to the credit of



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the crime number, however, the petitioners, due to their poor financial status, were unable to deposit the said amount, due to which, they have been arrested on 28.09.2022. Hence, he prays for grant of bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that on 24.02.2020, the petitioners have caused damage to the front gopura mandapam of the temple, due to the dispute over the administration of the temple. He would further submit that this Court by an order dated 09.03.2020 in Crl.O.P.No.4957 of 2020 had granted anticipatory bail to the petitioners with a condition to deposit Rs.50,000/- to the credit of the crime number and since, the petitioners did not deposit the amount, they were arrested for non-compliance. Hence, he vehemently opposed to grant bail to the petitioners.

5. Mr.Mohammed Ismail, the learned counsel appearing for the intervenor would submit that the petitioners have caused damage to the front gopura mandapam of the temple, where the damage was assessed to a sum of Rs.65,000/-. Hence, he vehemently opposed to grant bail to the petitioners.



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6. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) and perused the materials available on record.

7. Taking into consideration the facts and the submissions made by the learned counsel and also taking note of the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail on their executing 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 Judicial Magistrate No.I, Mannargudi**, and on further conditions that:

[a] 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 shall report before the respondent Police daily at 10.30 a.m., until further orders;

[c] the petitioners shall not tamper with



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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 absconds, a fresh FIR can be registered under Section 229A IPC;

18.10.2022

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To

1. The Judicial Magistrate Court-I, Mannargudi.
2. The Inspector of Police,
Mannargudi Town Police Station,
Thiruvarur District.
3. The Sub Jail,
Mannargudi.
4. The Public Prosecutor,
High Court of Madras.



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