



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.25471 of 2021

S.Ragunath

... Petitioner

Versus

State represented by
The Inspector of Police,
Fairlands Police Station,
Salem City.
(Crime No.600 of 2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on bail in the event of his arrest concerned in Crime No.600 of 2021 on the file of the Inspector of Police, Fairlands Police Station, Salem City on such terms and conditions.

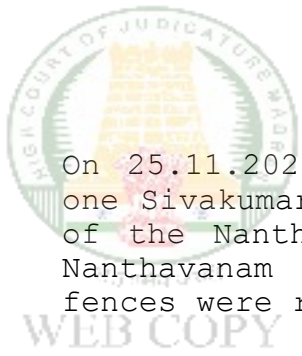
For Petitioner : Mr.N.Vijaya Basker

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Section 447 of IPC and Section 3(1) of Tamil Nadu Public Property (Prevention of Damage & Loss) Act, 1992 in Crime No.600 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant lodged a complaint with the respondent police that the Swarnavinayagar Thirukoil of Swarnapuri is under the Control of the Hindu Religious and Charitable Endowments Department. The complainant is the Executive Officer of the said temple. The Nanthavanam temple administration encircled the Nanthavanam with Iron Fence of Barbed wire in order to prevent the entrance and trespass of unauthorized persons and a board is also fixed there to that effect.



On 25.11.2021 the complainant got a telephone call from the temple one Sivakumar informed that the petitioner had removed the Iron Fence of the Nanthavanam and the complainant immediately rushed into the Nanthavanam as informed by the Archagar and found that the iron fences were removed. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that the officials were prevented by the petitioner, hence the complaint was lodged. While they were taking survey of the temple property with regard to Iron Fence there was a dispute. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate Court No.V, Salem District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 petitioner shall report before the respondent police on every Monday and Friday at 10.30 a.m., until further orders and the petitioner shall not interfere to the official duty;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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.

-sd/-

03/01/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.V, SALEM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM DISTRICT. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
FAIRLANDS POLICE STATION,
SALEM CITY.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S LAW VISION Advocate on payment of necessary charges

CRL OP.25471/2021

Date :03/01/2022

RW 06/01/2022