



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/01/2022

WEB COPY

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD). No.955 of 2022

1.V.Duraiarasan
2.P.Archunan

... Petitioners/Accused-1 & 2

Vs

State Rep.by
The Sub Inspector of Police,
Nainarkovil Police Station,
Ramanathapuram District.
Cr.No.3 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Kannappan.A.R.,
Advocate.

For Respondent : Mr.S.Manikandan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.3 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused No.1 & 2, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 295 and 505(ii) of IPC r/w 3 of TNPPDL Act, in Crime No.03 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case against the petitioner is that there is a dispute between two communities and a civil suit is pending between the parties. On 11.01.2022, the petitioners and others damaged the roof of the temple platform that is used for worship and caused damages worth about of Rs.10,000/-. Hence, the case was registered.

3.On the side of the petitioner it is stated that a civil suit is pending between both the group of people for the past 20 years. Only with that motive a false complaint was registered against the



petitioner and others. The wife of the petitioner is Panchayat Present and on the date of occurrence, the petitioner was not at all available in the station. The son of the first petitioner is taking treatment for mental illness and the first petitioner was accompanying his son and he was staying at Madurai at the time of occurrence. The second petitioner belonged to some other Village and the petitioners are no way connected with the offence and prayed the petitioners to be released on anticipatory bail.

4. On the side of the prosecution it is stated that there is a dispute regarding the administration of the temple between two communities. The petitioners damaged the roof of the temple platform and the petitioners created communal problem and they caused damage worth about Rs.10,000/- and prayed the petition to be dismissed.

5. It is seen that there is a civil suit pending between the parties considering that the son of the first petitioner is having mental illness and undergoing treatment, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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, before the learned Judicial Magistrate, Paramakudi, Ramanathapuram District, 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 the petitioners shall appear before the respondent police daily at 10.30 a.m. for a period of one month. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
20/01/2022

/ TRUE COPY /

/ /2022
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



TO

1.The Judicial Magistrate,
Paramakudi, Ramanathapuram District.

2.Do-Through The Chief Judicial Magistrate,
Ramanathapuram District.

3.The Sub Inspector of Police,
Nainarkovil Police Station,
Ramanathapuram District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.A.R.KANNAPPAN, Advocate (SR-341[I] dated 21/01/2022)

ORDER

IN

CRL OP(MD) No.955 of 2022

Date :20/01/2022

RS/PN/SAR.1(25.01.2022) 3P-6C