



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08.04.2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.5319 of 2022

1. Chinnappan
2. Kattudurai
3. Veerappan

... Petitioners/Accused 1 to 3

Vs

The State represented by
The Inspector of Police,
Keeranur Police Station,
Dindigul District.
(Crime No.399 of 2021)

...Respondent/Complainant

For Petitioners: Mr.D.Venkatesh, Advocate.

For Respondent : Mr.R.Sivakumar,
Government Advocate (Crl. Side).

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

PRAYER :-

For Anticipatory Bail in Crime No.399 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A.1 to A.3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 427 and 506(1) IPC, in Crime No.399 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the accused had demolished the Ayyan Periyandavar temple, in which, the defacto complainant is working as administrative, and also threatened the defacto complainant. Hence, the complaint.

3.When the matter was taken up for hearing on 31.03.2022, considering the nature of the dispute and the rival contentions, this Court has directed the Tahsildar, Palani, to visit the



concerned place and submit a report as to whether any temple was demolished recently and the existence of the temples.

4. In pursuance of the same, the Tahsildar, Palani, has submitted a report on 01.04.2022, wherein, he has stated that new temple was constructed in the building where it was existing earlier and that there is no trace of demolishing the temple recently and that the temple has been locked up for the past six months.

5. Considering the above facts and circumstances and also the facts that no one was injured in the incident, that except the offence under section 506(1) IPC, all other offences are bailable in nature and that the petitioners are not having any previous cases, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, 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, Palani, 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 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 as and when required for interrogation.

[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 absconds, a fresh FIR can be registered under Section 229-A IPC.

Sd/-

08/04/2022

/ TRUE COPY /

/ /2022

Sub-Assistant Registrar (C.S.III)
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,
PALANI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
3. THE INSPECTOR OF POLICE,
KEERANUR POLICE STATION,
DINDIGUL DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP (MD) No.5319 of 2022

Date :08/04/2022

SP/RJ/SAR III/18/04/2022/3P/5C