



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 21/04/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.7172 of 2022

Arumugasamy

... Petitioner/Accused No.4

Vs

The State rep.by,
The Inspector of Police,
Kadayanallur Police Station,
Tenkasi District.
(Crime No.282/2021).

... Respondent/Complainant

For Petitioner : Mr.B.Jeyakumar,
Advocate.

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

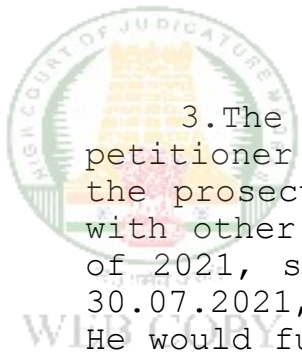
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-For Anticipatory Bail in Crime No.282/2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 448, 427 IPC and Section 3 of Tamil Nadu Public Property (Prevention of Damage & Loss) Act, 1992 altered to Sections 147, 448, 427 of IPC and Section 3 of Tamil Nadu Public Property (Prevention of Damage & Loss) Act, 1992, in Crime No.282 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is working as the Executive Officer in Arulmighu Gopalakrishnasamy Vagaiyara Temple at Krishnapuram. Arulmighu Kaliyamman Temple, Kumandhapuram comes under his administration. It is being administered by Hindu Religious and Charitable Endowments Department. On 12.07.2021, at about 08.11 pm, one Arunachalam informed the defacto complainant that the lock and stone plaque of the Temple were broken. The defacto complainant visited there immediately along with the Accountant Muthukumar and found that the Temple's lock was broken. The stone plaque installed on the left side of the Temple wall was also found broken. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the petitioner is innocent and not committed any offence as alleged by the prosecution. He would further submit that the petitioner along with other accused have filed an application in CrI.OP.(MD)No.10139 of 2021, seeking anticipatory bail and this Court vide order dated 30.07.2021, has granted anticipatory bail with certain conditions. He would further submit that due to Covid-19 pandemic situation, the petitioner could not able to furnish the sureties and hence, he constrained to file the above application.

4.The learned Government Advocate (Criminal Side) appearing for the respondent Police would submit that the investigation is almost completed.

5.Considering the facts and circumstances of the case and also the fact that the investigation is almost completed as stated by the learned Government Advocate (Criminal Side) and that the petitioner has already granted anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner shall pay a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172), without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate, Tenkasi, Tenkasi District.

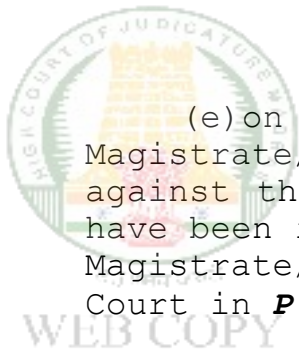
7.On production of such receipt/acknowledgment, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Tenkasi, Tenkasi District, on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a)the petitioner 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 petitioner shall report before the respondent police daily at 10.30 am for a period of one month and thereafter, as and when required for interrogation.

(c)the petitioner shall not tamper with the 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 / petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
21/04/2022

/ 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 concerned.

TO

- 1 THE JUDICIAL MAGISTRATE
TENKASI TENKASI DISTRICT
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE
KADAYANALLUR POLICE STATION,
TENKASI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE OFFICER INCHARGE,
GOVERNMENT OF TAMIL NADU,
CHIEF MINISTER PUBLIC RELIEF FUND IN IOB,
SECRETARIAT BRANCH,
CHENNAI-9.

+1 CC to MR.B.JEYAKUMAR, Advocate (SR-3675[I] dated 22/04/2022)

ORDER
IN
CRL OP(MD) No.7172 of 2022
Date :21/04/2022

DAS
MK/PN/SAR.II/26.04.2022/3P/7C