



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

Date : 05/05/2022

PRESENT

The Hon`ble Mr.Justice M.S.RAMESH

CRL OP(MD). Nos.8579 and 8580 of 2022

Crl.O.P(MD)No.8579 of 2022

1.Rebello
2.P.M.Pandiarajan
3.Archana ... Petitioners/Accused 1,2 & 3

Vs

1. The State represented by
The Inspector of Police,
Mattuthavani Police Station,
Mattuthavani,
Madurai District.
Crime No. 201 of 2022. ... Respondent/Complainant

2. V.Aarthi ... Petitioner/Intervener
in CRL MP(MD) No.5877/2022

For Petitioners : M/s.J.Anandavali, Advocate
for M/s.M.R.Priyanka Jothi

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

For Intervener : Mr.C.M.Arumugam, Advocate

Crl.O.P(MD)No.8580 of 2022

1.R.Saravanapandian
2.Sree Renjini ... Petitioners/Accused Nos.4&5

Vs

1. The State represented by
The Inspector of Police,
E-5, Mattuthavani Police Station,
Madurai-625 020.
Crime No. 201 of 2022. ... Respondent

2. V.Arthi ... Petitioner/Intervener
in CRL MP(MD) No.5900/2022



For Petitioners : M/s.S.Bageerathan, Advocate
For Respondent : Mr.A.Thiruvadi Kumar
Additional Public Proesecutor
For Intervener : Mr.C.M.Arumugam, Advocate

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PETITIONS FOR ANTICIPATORY BAILS Under Sec.438 of Cr.P.C

COMMON PRAYER :-

For Anticipatory Bails in Crime No.201 of 2022 on the file of the respondent Police.

COMMON ORDER : The Court made the following common order :-

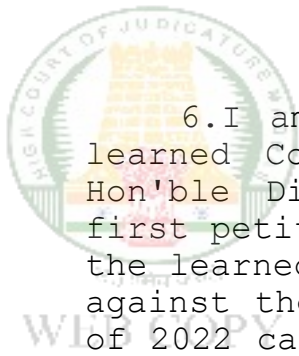
The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b), 506(i) and 380 IPC, in Crime No.201 of 2022, on the file of the respondent police, seek anticipatory bail.

2.Heard the learned Counsels for the petitioners, the defacto complainant, the learned Additional Public Prosecutor and the learned Government Advocate (Crl.Side) appearing for the respondent police.

3.The complaint against the petitioners is that they had taken the plate collections towards the Poojas without depositing the same in the Bank, which is in violation of the order passed by the Hon'ble Division Bench of this Court in W.A(MD)Nos.590 and 591 of 2021.

4.The learned Counsel for the intervener submitted that there are several litigations pending between the defacto complainant and the petitioners herein, touching upon the right of trusteeship. The Hon'ble Division Bench, while passing the interim order in the aforesaid Writ Appeals, had observed that the petitioner therein (first petitioner in Crl.O.P(MD)No.8579 of 2022) had been acting as a Poojari and enjoying the rights till the orders were passed by the learned Single Judge and in view of the same, the Hon'ble Division Bench ordered to maintain *status-quo*. In other words, the Hon'ble Division Bench had protected the rights of the first petitioner in Crl.O.P(MD)No.8579 of 2022 as it existed prior to the order passed by the learned Single Judge.

5.The learned Counsel for the intervener further submitted that the order of *status-quo* granted by the Hon'ble Division Bench should be interpreted in terms of the order of the learned Single Judge.



6.I am not in agreement with the said submission made by the learned Counsel for the intervener. As a matter of fact, the Hon'ble Division Bench has clearly maintained status-quo of the first petitioner in Crl.O.P(MD)No.8579 of 2022, as it stood prior to the learned Single Judge's order. If that be so, the very complaint against the petitioners, which has culminated into the Crime No.201 of 2022 cannot be maintained. However, these aspects require to be gone into after the investigation is completed. Since all the petitioners herein have now made out a *prima-facie* case, this Court is inclined to grant Anticipatory Bail to the petitioners with certain conditions.

7.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 No.VI, Madurai, 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 daily at 10.30 a.m., for a period of one month and thereafter, 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]**.

sd/-
05/05/2022

/ 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 NO.VI,
MADURAI.
 2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
 3. THE INSPECTOR OF POLICE,
MATTUTHAVANI POLICE STATION, MATTUTHAVANI,
MADURAI DISTRICT.
 4. THE INSPECTOR OF POLICE,
E-5, MATTUTHAVANI POLICE STATION,
MADURAI-625 020.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.S.BAGEERATHAN, Advocate SR.No.4398, DATE 06.05.2022.
- +1. CC to M/S.C.ARUMUGAM, Advocate SR.No.4498, DATE 09.05.2022.
- +1. CC to M/S.M.R.PRIYANKA JOTHI, Advocate SR.No.4391, DATE 06.05.2022.

ORDER
IN
CRL OP(MD). Nos.8579 and
8580 of 2022
Date :05/05/2022

LR/MR
USK/VR/SAR-IV/10.05.2022/4P/9C