



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/05/2022

PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN

CRL OP(MD) . No.9641 of 2022

1. Mariappan
2. Santhanamari
3. Subbaiah @ Sami
4. Vellaiah
5. Kaliraj
6. Balasubramanian

... Petitioners/Accused
No.1 to 6

Vs.

State rep.by
The Inspector of Police,
Sendhamaram Police Station,
Tenkasi District.
(Crime No.184 of 2022).

... Respondent/Complainant

For Petitioners : M/s.V.Kathirvelu, Sr.Counsel for
M/s.Prabhu K, Advocate.

For Respondent : Mr.RMS.Sethuraman,
Additional Public Prosecutor

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

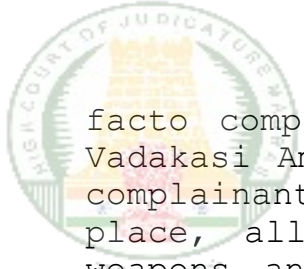
PRAYER :-

For Anticipatory bail in Crime No.184 of 2022 on the file of
the Respondent Police

ORDER : The Court made the following order :-

The petitioners/A1 to A6, who apprehend arrest at the hands of
the respondent police for the alleged offences under Sections 147,
148, 294(b), 323, 324 and 506(i) IPC in Cr.No.184 of 2022, on the
file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that totally there are six
accused in this case. There was a previous dispute between the de-



facto complainant party and the accused party for the worship of Vadakasi Amman Kovil. Further, it is stated that when the de-facto complainant party constructed a Pillaiyar Temple in the disputed place, all the accused persons unlawfully assembled with deadly weapons and used filthy language. At that time, the petitioners attacked the de-facto complainant party and caused injuries. Further, all the accused persons threatened the de-facto complainant with dire consequences. Hence, the de-facto complainant lodged a complaint before the respondent police and on the basis of the said complaint, the present case has been registered against the petitioners.

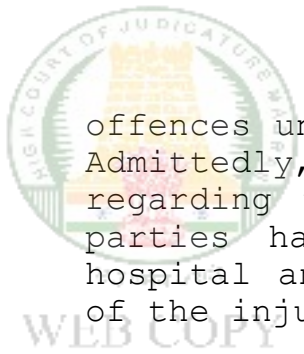
3.The case of the petitioners is that at no point of time, they are involved in this crime and they have been falsely implicated in this case. The de-facto complainant has preferred the complaint on false and baseless allegations. In view of the difference of opinion in constructing the temple, the de-facto complainant has preferred this complaint. Even as per the complaint, there is no specific overt act attributed as against the petitioners. The accused and the de-facto complainant are relatives and due to difference of opinion in constructing the temple, the de-facto complainant has foisted a false case.

4.The learned counsel appearing for the petitioners would submit that all the injured persons have been discharged from the hospital and all the accused were known persons and the investigation has also been completed and if the accused persons are granted anticipatory bail, they would not tamper the witnesses and hamper the investigation and they would abide by any conditions imposed by this Court.

5.The learned Additional Public Prosecutor appearing for the State would submit that one of the injured has not been discharged from the hospital. After taking treatment in the Government Hospital, the injured has been referred for further treatment, due to fracture and admitted in the private hospital. For which, the learned counsel for the petitioners would submit that the overt act is only against A1 and though one of the injured viz., Samuthiram was referred for further treatment at Tenkasi Government Hospital, the de-facto complainant admitted the said Samuthiram in the private hospital, only in order to get the order of refusal of the anticipatory bail. Since there is no necessity for further treatment, the de-facto complainant did not admit the said Samuthiram in the Government hospital as referred by the Government Doctor. Therefore, they may be enlarged on anticipatory bail.

6.Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor appearing for the State and perused the materials available on records.

7.Admittedly, a case has been registered against the petitioners in Crime No.189 of 2019 by the respondent police for the



offences under Sections 147, 148, 294(b), 323, 324 and 506(i) IPC. Admittedly, there was a previous enmity between the parties regarding the construction of temple and the de-facto complainant parties have sustained injuries and they were admitted in the hospital and also discharged from the hospital, amongst which, one of the injured was referred for further treatment.

8. Considering the facts and circumstances of the case and also considering the facts that there is a group clash between two parties and one of the injured is still taking treatment in the hospital and that the investigation is yet to be completed and charge sheet also not yet filed, this Court is not inclined to grant anticipatory bail to the petitioners/A1 to A6. Hence, this Criminal Original petition is dismissed. However, the respondent police is directed to arrest the petitioners/A1 to A6 within a reasonable time and produce them before the concerned Judicial Magistrate, in accordance with law.

Sd/-
26/05/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1. THE JUDICIAL MAGISTRATE, TENKASI.
 2. -DO- THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
 3. THE INSPECTOR OF POLICE,
SENDHAMARAM POLICE STATION,
TENKASI DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.PRABHU K Advocate SR.No.5064

ORDER
IN
CRL OP(MD) No.9641 of 2022
Date :26/05/2022

SP/VR/SAR IV/26/05/2022/3P/6C