



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/06/2022

WEB COPY

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . No.9744 of 2022

1.Sivakumar T
2.Kathiresan
3.Sajeev @ Shaju
4.Rajesh
5.Manikandan
6.Umesh
7.Roobin @ Rubin
8.Sivakumar Prabhu @ Sivakumar
9.Kannan
10.Savarkar
11.Padmakumar
12.Jeyasekaran
13.Sujith Babu
14.Manikandan @ Brabhu
15.Sudhakar
16.Mallika
17.Sree Kala
18.Sivathikani
19.Usha Rani
20.Anuja
21.Uma Selvi

...Petitioners/Accused
1-12,14-17,19,21-24

Vs

State of Tamilnadu rep. through
The Inspector of Police,
Manavalakurichi Police Station,
Kanyakumari District.
(Crime No.44/2022).

... Respondent/Complainant

For Petitioners : Mr.M.Karthikeya Venkitachalapathy
Advocate.

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



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

PRAYER :-

For Anticipatory Bail in Crime No.44 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused Nos.1-12, 14-17, 19 and 21-24 apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 294(b), 353, 342, 427 and 506(i) of IPC in Crime No.44 of 2022, on the file of the respondent police, seek anticipatory bail.

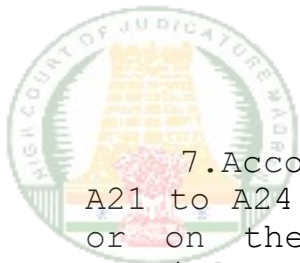
2.The case of the prosecution is that the petitioners constructed a building and used it as Aalaya Munnetra Sangam office and Kandha Sasti Mandapam and the same was taken possession and sealed by HR & CE Department, due to which, the petitioners along with the others illegally assembled and locked the office room and threatened the de-facto complainant with dire consequences. Hence, the present case has been registered.

3.The learned counsel for the petitioners submits that the HR & CE officials have taken possession of the Sasti Mandapam and the Office room with the help of police and the same was protested by the villagers, for which, the petitioners and the other Villagers conducted a demonstration in the temple premises. Aggrieved over the same, the de-facto complainant lodged a false complaint against the villagers. He further submits that no one has sustained injury and prayed the petitioners to be released on anticipatory bail.

4.The learned Government Advocate (criminal side) appearing for the respondent submits that the petitioners along with others illegally assembled and locked the office room, which belongs to the HR & CE Department and also threatened the de-facto complainant with dire consequences. He further submits that no one has sustained injury in this case and All is having one previous case and prayed the petition to be dismissed.

5.At this juncture, the learned counsel appearing for the petitioners seeks permission of this Court to not press this petition as against A-11 is concerned and he has also made an endorsement to that effect. In view of the same, this petition is dismissed as not pressed as against A11 is concerned.

6.Considering the nature of the allegation levelled against the petitioners/A1 to A10, A12, A14 to A17, A19 and A21 to A24 and considering the fact that no one has sustained injury in this case, this Court is inclined to grant anticipatory bail to the petitioners/A1 to A10, A12, A14 to A17, A19 and A21 to A24 with certain conditions.



7. Accordingly, petitioners/A1 to A10, A12, A14 to A17, A19 and A21 to A24 are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Eraniel, and on their executing 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 on further condition that the petitioners/A1 to A10, A12, A14 to A17, A19 and A21 to A24 shall appear before the respondent police daily at 10.30 am. for a period of one month and thereafter, as and when required for interrogation. The petitioners/A1 to A10, A12, A14 to A17, A19 and A21 to A24 shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

8. The petitioners/A1 to A10, A12, A14 to A17, A19 and A21 to A24 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 shall stand dismissed.

Sd/-

02/06/2022

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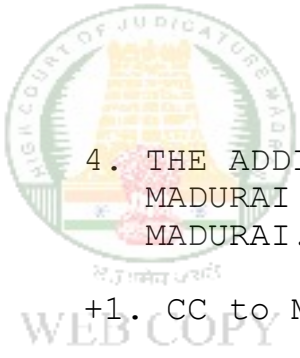
Sub-Assistant Registrar (C.S.IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI/LM

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,
ERANIEL.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE INSPECTOR OF POLICE,
MANAVALAKURICHI POLICE STATION,
KANYAKUMARI DISTRICT.



4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.KARTHIKEYA VENKITACHALAPAT Advocate SR.No.24724

ORDER

IN

CRL OP (MD) No.9744 of 2022

Date :02/06/2022

SP/JM/SAR IV/06/06/2022/4P/6C