



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

Date : 18/07/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.10578 of 2022

Ravichandran

... Petitioner/1st Accused

Vs

The State Rep. By,
The Inspector of Police,
Courtallam Police Station,
Tenkasi District.
Crime No.199 of 2022.

... Respondent/Complainant

For Petitioner : Mr.S.Ajikumar,
Advocate.

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

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

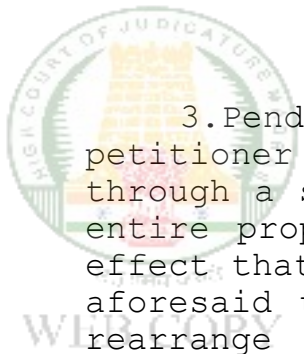
PRAYER :-

For Anticipatory Bail in Crime No.199 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner is facing charges under Sections 109 and 295 IPC in Crime No.199 of 2022 on the file of the respondent police.

2.The case of the prosecution is that the defacto complainant lodged a complaint stating that one 'Sastha Kovil' is aged about 200 years and that was maintained by one section of the community people. The site belongs to private persons. They sold the property to one Ravichandran and Gomathinayagam by deleting 3 cents, where the aforesaid temple has been constructed. Later, there was demand by the aforesaid community people to transfer the patta in respect of the aforesaid 3 cents in their names. Originally, that was agreed by the aforesaid persons, but later, it appears that the entire property has been sold. Promise was also made to reclaim the aforesaid 3 cents on receipt of Rs.1,20,000/-. Meantime, at about 08.00 pm., on the particular date, idols were found damage. Because of the aforesaid issue, trouble has arisen between the parties, over which the present case was registered.



3. Pending investigation, this petition has been filed by the petitioner on the ground that he purchased the entire property through a sale deed dated 24.03.1994, wherein according to him, the entire property has been mentioned and there is no recital to the effect that 3 cents have been deleted. Finding that the idols in the aforesaid temple were found damaged, the petitioner was directed to rearrange the same and reconstruct at his own cost. Now, he has produced the photographs.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the temple was not restored by the petitioner and it was restored by the defacto complainant's party. Whether the temple was restored by the petitioner or by the defacto complainant is a matter for investigation. Now, the aforesaid temple has been reconstructed.

5. In view of the submission made by the learned Government Advocate (Crl. side), this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate, Shencottah, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously. The petitioner shall deposit a sum of Rs.10,000/- to the credit of Crime No.199 of 2022 before the concerned Court as cost of the aforesaid reconstruction.

7. The petitioner 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/-
18/07/2022

/ TRUE COPY /

/07/2022

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



TO

1. THE JUDICIAL MAGISTRATE,
SHENCOTTAH.

2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIURNELVELI DISTRICT.

3. THE INSPECTOR OF POLICE,
COURTALLAM POLICE STATION,
TENKASI DISTRICT.

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

+1 CC to M/s.S.SIVAKUMAR, Advocate (SR-7280[I] dated 18/07/2022)

ORDER

IN

CRL OP(MD) No.10578 of 2022

Date :18/07/2022

mm

USK/SVR/SAR-IV/26.07.2022/3P/6C