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

Date : 27/07/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.11122 of 2022

C.Gomathinayagam

... Petitioner/2nd Accused

Vs

State rep.by
The Inspector of Police,
Courtallam Police Station,
Tenkasi District.
(Crime No.199 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Narayanakumar K.P, 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/Accused No.2, apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 109 and 295 I.P.C, in Crime No.199 of 2022 on the file of the respondent police, seeks anticipatory bail.

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 excluding 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. When the matter was taken up for hearing on 13.07.2022, the learned counsel for the petitioner has submitted that the disputed property was purchased by the petitioner along with one Ravichandran. But, there was some allegations in the copy of the sale deed. So, the petitioner was directed to produce the original sale deed. But, he is not in a position to produce the same. He would further submit that the damaged statue was reconstructed by the petitioner.

4. The above said submission was denied by the prosecution. The learned Government Advocate (CrI.Side) would submit that the temple was restored by the defacto complainant party.

5. In respect of the above said issue, whether the temple was restored by the petitioner or by the defacto complainant is a matter for investigation. Whatever it may be, now, the temple has been reconstructed.

6. Considering the facts and circumstances of the case and also considering the fact that already the first accused was granted anticipatory bail by directing to deposit a sum of Rs.10,000/- to the credit of crime number, on the very same ground, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this Criminal Original Petition is allowed and petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate, Senkottai, 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.

8. 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 stands dismissed.

Sd/-

27/07/2022

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/ /2022

Sub-Assistant Registrar (C.S.III)
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,
SENKOTTAI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI 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.NARAYANAKUMAR K.P Advocate SR.No.7805

ORDER
IN
CRL OP(MD) No.11122 of 2022
Date :27/07/2022

SP/SVR/SAR III/03/08/2022/3P/6C