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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/10/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD) . No.12508 of 2022

1. Muthukumar
2. Venkatraman
3. Selvaraj
4. Sabari Anand

... Petitioners/Accused 1 to 4

Vs

State rep.by
The Inspector of Police,
Thirupanandal Police Station,
Thajavur District.
(Crime No.478 of 2022)

... Respondent/Complainant

For Petitioners : M/s.Subramanian.R, Advocate.

For Respondent : M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.478 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 to A4, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 381 IPC, in Crime No.478 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the petitioners, who are the office bearers of Shri Arulmigu Agneeswara Swamy Temple at Kanjanur, had misappropriated a sum of Rs.82,500/-, which was collected from prasatha stall and deepam stall. Hence, the complaint.



3.The learned counsel for the petitioners would submit that the petitioners are employees of the temple and they are under the control of Madurai Aadheenam. The petitioners have already deposited the alleged misappropriated amount. The de-facto complainant was appointed as an Executive Officer by the Government, which was stayed by this Court. He has no authority to give a complaint. The petitioners refused to handover the bank pass book to the Executive Officer as per the direction of this Court. Due to which, the de-facto complainant has given a false complaint against the petitioners. Hence, he prays for anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that there are four accused in this case. The de-facto complainant is an Additional in-charge of the Executive Officer of the temple of Shri Arulmigu Agneeswara Swamy Temple at Kanjanur. The temple belongs to Madurai Aadheenam. The accused had misappropriated a sum of Rs.82,500/-, which was collected from prasatha stall and deepam stall. The alleged amount was not recovered and the investigation is still pending. Hence, he strongly opposed to grant anticipatory bail to the petitioners.

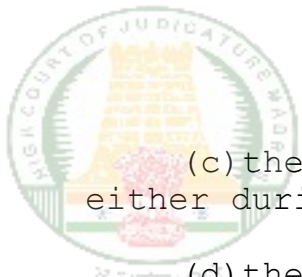
5.Considering the facts and circumstances of the case and also considering the charges levelled against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners shall pay a sum of Rs.10,000/- (Rupees Ten Thousand only) each to the credit of Crime No.478 of 2022 before the learned District Munsif cum Judicial Magistrate Court at Thiruvidadaimarudur, Thanjavur District, without prejudice to their rights and contentions before the trial Court and produce the receipt before the trial Court.

7.On production of such receipt, 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 District Munsif cum Judicial Magistrate Court at Thiruvidadaimarudur, Thanjavur District, on condition that the petitioners shall execute 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 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 Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the respondent police daily at 10.30 am until further orders.



(c) the petitioners shall not tamper with 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]**; and;

(f) if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

Sd/-

11/10/2022

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/10/2022

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

SJI

TO

1. THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
THIRUVIDAIMARUDUR, THANJAVUR DISTRICT.
2. -DO- THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
THIRUPANANDAL POLICE STATION,
THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.12508 of 2022

Date :11/10/2022