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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Reserved on : 14/09/2022
Pronounced on : /09/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) .No.16262 of 2022

1.Ponvenkateshkumar
2.Vairamuthu
3.Veerappan @ Ranaveeran

... Petitioner/Accused
Nos.1 to 3

Vs

The State represented by
The Inspector of Police,
Mamsapuram Police Station,
Virudhunagar District.
(in Crime No.117 of 2022)

... Respondent/Complainant

Sivasankaran Pillai

... Intervening Petitioner/
Defacto Complainant
(in Crl.M.P. (MD) No.11080/2022)

For Petitioner : M/s.G.Mariappan, Advocate.

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

For Intervener : Mr.C.Susi Kumar, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No. 117 of 2022 on the file of
the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused Nos.1 to 3, who apprehends arrest at
the hands of the respondent police for the offences punishable under



Sections 143, 153(A), 295, 295(A), 296, 341 of IPC in Crime No. 117 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant has filed a complaint the Arulmigu Subramaniya Swamy Thirukovil, Sivanthipatti Village, was illegally locked. The CCTV footage revealed that the petitioners locked the temple. Hence the complaint.

3.The learned counsel for the petitioner submitted that the petitioners have not committed any offence as alleged by the prosecution. They have been falsely implicated in this case on the confession and pray the petitioners to be released on anticipatory bail.

4.On the side of the intervener it is stated that the respondent police failed to take action against the petitioners even after a complaint has been given before the DSP. Only after the direction of the Judicial Magistrate, under Section 156(3) of Cr.P.C., the First Information Report was registered. If the petitioners were released on bail, they may again disturb the poojas in the temple and he raised objection to the release of the petitioners on bail.

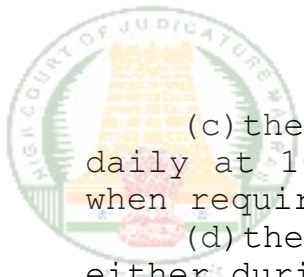
5.The learned Government Advocate(Crl.side) submitted that there was a dispute regarding appointment of hereditary trustee of the temple. Due to the dispute, to prevent the defacto complainant from doing Karthika pooja in the temple, the petitioners have locked the temple.

6.Considering the facts and circumstances of this case, considering the nature of the offence and this Court is not inclined to grant anticipatory bail to the petitioner.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Srivilliputhur, 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a)the petitioners shall not interfere with the temple administration except through due process of law;

(b)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;



(c) the petitioners shall report before the respondent police daily at 10.30 am for a period of two weeks and thereafter, as and when required for interrogation.

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners shall be present before the Court on hearing dates and before the respondent police as and when required;

(f) the petitioners shall not indulge in causing any disturbance to the temple administration, unless through the due process of law.

(g) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner 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;

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC. Consequently connected miscellaneous petition is closed.

Sd/-

19/09/2022

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/09/2022

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

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TO

1. THE JUDICIAL MAGISTRATE NO.II,
SRIVILLIPUTHUR.
2. -DO- THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE INSPECTOR OF POLICE,
MAMSAPURAM POLICE STATION,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.16262 of 2022

Date :19/09/2022

SP/GB/SAR I/23/09/2022/3P/5C