



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 23/09/2022

PRESENT

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

CRL OP(MD). No.16918 of 2022

WEB COPY

1. Vivek
2. Prabhakaran

... Petitioners/Accused 32&33

Vs

State rep. by
The Inspector of Police,
Samayapuram Police Station,
Trichy District.
In Crime No.238 of 2022.

... Respondent/Complainant

For Petitioner : Mr.T.Lenin Kumar
Advocate.

For Respondent : Mr.M.Vaikkam Karunanithi
Govt. Advocate (crl.side)

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

PRAYER :-

For Anticipatory Bail in Crime No.238 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A-32 & A-33, who apprehend arrest at the hands of respondent police for the offences punishable under Sections 420, 447, 427, 294(b), 353, 387 & 506(i) IPC in Crime No.238 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and other accused under the guise of making arrangement to worship the goddess Samayapuram Mariamman, are receiving money from the devotees. Hence, the Joint Commissioner/Administrative Officer of the Temple lodged a complaint before the respondent police.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case. He would further submit that the petitioners are the street vendors and they used to sell their small items on the Samayapuram Mariamman Temple Road. In order to evict them, the complainant lodged the complaint. He would further submit that no devotees lodged a complainant against the petitioners. Hence, the learned counsel prays for anticipatory bail to the petitioners.



4.The learned Government Advocate (criminal side) appealed or the respondent police would submit that the petitioners have extracted money from the devotees to make arrangement to worship the goddess Samayapuram Mariamman. Hence, he opposed to grant anticipatory bail to the petitioners.

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5.Considering the facts and circumstances of the case and also considering the fact that the petitioners are the street vendors and no devotees lodged the complainant against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, 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 Judicial Magistrate No.III, Trichy, on condition that the petitioners 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 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 10.00 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/-

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/09/2022

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 concerned.

TO

1. THE JUDICIAL MAGISTRATE NO.III
TRICHY.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE,
SAMAYAPURAM POLICE STATION,
TRICHY DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.T.LENIN KUMAR, Advocate (SR-10514[I] dated
26/09/2022)

ORDER
IN
CRL OP(MD) No.16918 of 2022
Date :23/09/2022

skn
USK/SBN/SAR-I/29.09.2022/3P/6C