



WEB COPY



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

Date : 08/12/2022

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.21690 of 2022

1. Azhagan
2. Pazhaniyappan
3. Subramani @ Balasubramanian
4. Subbaiah

... Petitioners/Accused
No.1 to 4

Vs

State rep.by
The Inspector of Police,
Ponnamaravathi Police Station,
Pudukkottai District.
(Crime No.290/2022).

... Respondent/Complainant

For Petitioners : M/s.Arun Prasad A, Advocate.

For Respondent : Mr.M.Veeranthiran,
Government Advocate (Crl.Side)

For Intervenor : Mr.Ahamed Bhuhari, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.290/2022 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 Sections 294 (b), 352 and 506(i) IPC in Crime No.290 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that with regard to a dispute regarding the administration of the temple, the petitioners have threatened the de-facto complainant, who is a temple poojari.



3.The learned counsel for the petitioners would submit that the petitioners are innocents and that a false complaint has been given. Hence, he prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. side) would submit that the petitioners have threatened the temple poojari on account of enmity with regard to the administration of temple. Hence, he opposed for grant of anticipatory bail.

5.The learned counsel for the intervenor would vehemently oppose for grant of anticipatory bail stating that the petitioners are repeatedly threatening the poojari of the temple.

6.Heard. Perused the materials available on record.

7.Taking into consideration the facts and the submissions made by both the counsels, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8.Accordingly, the petitioners are ordered to be released on anticipatory bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Thirumayam, Pudukkottai District, on condition that the petitioners shall execute 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 condition 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 every day at 10.30 a.m., for a period of four weeks and thereafter, every Saturday at 10.30 a.m. 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]**.



[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

WEB COPY

/ TRUE COPY /

Sd/-
08/12/2022

/12/2022
Sub-Assistant Registrar (C.S.II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

1. THE JUDICIAL MAGISTRATE,
THIRUMAYAM, PUDUKKOTTAI DISTRICT.
2. -DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.
3. THE INSPECTOR OF POLICE,
PONNAMARAVATHI POLICE STATION,
PUDUKKOTTAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.21690 of 2022
Date :08/12/2022

SP/BUC/SAR II/16/12/2022/3P/5C