



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

Thursday, the Sixteenth day of February Two Thousand and Twenty
Three

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PRESENT

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

CRL OP(MD) . No.3068 of 2023

1.Rajadurai
2.Thangakumar

... Petitioners/Accused No.1 and 2

Vs

The State rep. by,
The Inspector of Police,
Pazhavor Police Station,
Tirunelveli District.
(Crime No.25 of 2023)

... Respondent/Complainant

For Petitioner : Mr.B.Jameel Arasu

For Respondent : Mr.A.Albert James
Government Advocate (Crl.Side)

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

PRAYER :-

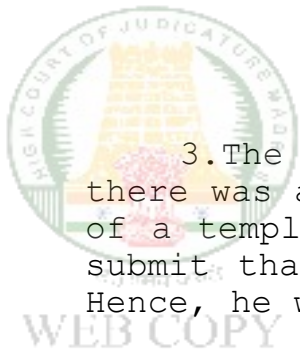
For Anticipatory Bail in Crime No.25 of 2023 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who apprehend arrest at the hands of
the respondent police for the offences punishable under Sections
448, 427, 294(b) and 506(i) of IPC in Crime No.25 of 2023 on the
file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 11.01.2023, the
petitioners by breaking open the temple lock, had conducted poojas
on their own without the knowledge of the de-facto complainant and
his henchmen and when it was questioned, the petitioners have
threatened them with dire consequences. Hence, the case.

<https://www.mca.gov.in>



3.The learned counsel for the petitioners would submit that there was a dispute between two groups with regard to administration of a temple and a false complaint has been given. He would further submit that the petitioners are no previous case as against them. Hence, he would seek for anticipatory bail.

4.The learned Government Advocate (Crl. side) would submit that the the petitioners by breaking open the temple lock, had conducted poojas on their own without the knowledge of the de-facto complainant and his henchmen and when it was questioned, the petitioners have threatened them with dire consequences. Hence, he opposed for grant of anticipatory bail.

5.Heard. Perused the materials available on record including the First Information Report.

6.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.

7.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 on which the order copy made ready, before the learned Judicial Magistrate, Valiyoor, Tirunelveli 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 daily at 10.30 a.m. for a period of two weeks and thereafter, on 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 SC** .

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

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sd/-
16/02/2023

/ TRUE COPY /

/02/2023

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

SJI

TO

1. THE JUDICIAL MAGISTRATE,
VALIYOOR, TIRUNELVELI DISTRICT.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
PAZHAVOOR POLICE STATION,
TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.JAMEEL ARASU.B Advocate SR.No.2486(I)

ORDER
IN
CRL OP(MD) No.3068 of 2023
Date :16/02/2023

NA/BUC/SAR-2/24.02.2023/3P/6C