



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09.03.2023

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PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD)No.10885 of 2022

1.Mariyappan

2.Manikandan

3.Ramesh

... Petitioners/Accused Nos. 1 to 3

Vs

1.State Represented by

The Inspector of Police,
Chokkampatti Police Station,
Tenkasi District.

(In Crime No.108 of 2022) ...Respondent/Complainant

2.Velusamy

... 2nd Respondent

(R2 suo motu impleaded as per order of this
Court dated 20.06.2022 in CrI.O.P.(MD)No.10885
of 2022 BY GIJ)

For Petitioners : Mr.A.Balaji,Advocate

For R1 : Mr.R.M.Anbunithi,
Additional Public Prosecutor (CrI.Side)

For R2 : Mr.S.Vikram,Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.108 of 2022 on the file of
the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3, who apprehend arrest at the hands of
the respondent police for the offences punishable under Sections
420, 419, 464, 471 IPC in Crime No.108 of 2022, seek anticipatory
bail.

<https://www.mhc.tn.gov.in/judis>



2.The case of the prosecution is that the petitioners have conveyed the pillayar temple's property vide gift deed dated 30.05.2019 and also mishanled the donation amount. Hence the case.

3.Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondent police.

4.It is seen that there is a dispute between rival groups with regard to the administration of the Vinayagar temple situated in Madathupatti village, Tenkasi District. Thereafter, peace committed meeting was conducted and now they joined together and celebrated the festival.

5.Considering the above facts and circumstances of the case, 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 on which the order copy made ready, before the learned Judicial Magistrate, Tenkasi, 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed 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 as and when required for interrogation;

[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 FII registered under Section 229A IPC.

sd/-
09/03/2023

/ TRUE COPY /

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/03/2023

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

GNS
TO

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

+1. CC to M/S.BALAJI A Advocate SR.No.14447 (F)

ORDER
IN
CRL OP(MD) No.10885 of 2022
Date :09/03/2023

PKP/CG/SAR-3/23.03.2023/ **3P/6C**