



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

Date : 10/05/2023

WEB COPY

PRESENT

The Hon`ble Mrs.Justice R. KALAIMATHI

CRL OP(MD) . No.8663 of 2023

1. Ganesan

2. Marimuthu

3. Saravanan

4. Palanisamy

5. Rajendran

6. Muthuraj

7. Rengasamy

... Petitioners / Accused No.1 to 7

Vs

1. State rep by  
The Sub Inspector of Police,  
Thiruvonam Police Station,  
Thanjavur District  
(Crime No.321 of 2023).

2. Arunachalam

... Respondents / Complainant

For Petitioner : Dr.Ramesh Mahadev, Advocate.

For R1 : Mr.P.Kottai Chamy,  
Government Advocate (Crl.Side)

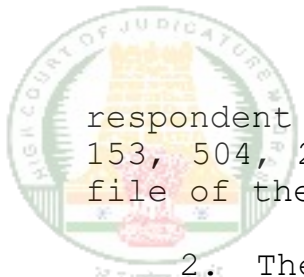
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.321 of 2023 on the file of  
the respondent police

ORDER : The Court made the following order :-

<https://www.mhc.tn.gov.in/judis> The petitioners, who apprehend arrest at the hands of the



respondent police for the offences punishable under section 153, 504, 291, 352 and 506(1) of IPC in Crime No.321 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 06.05.2023, the petitioners illegally opened the Ayyanar Temple situated at Padirankottai, Thanjavur District and worshipped the idol. When the above act was questioned by the defacto complainant, they threatened him with dire consequences. Hence, the complaint.

3. The learned Government Advocate on instructions would submit no previous case is pending against the petitioners and no injury was caused to the defacto complainant.

4. Heard both sides and perused the materials available on record including the First Information Report.

5. Considering the facts and circumstances of the case and also considering the facts that no injury was caused to the defacto complainant and no previous case is pending 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 their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Orathanadu 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 to 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 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 file an undertaking affidavit that they will not indulge in any such offence in future, before the Magistrate. After such undertaking affidavit being filed, the concerned Magistrate shall accept the sureties;

(c) the petitioners shall report before the respondent police daily at 10.30 a.m 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 not abscond either during investigation or trial;

(f) 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 are 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;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-  
10/05/2023

/ TRUE COPY /

/05/2023

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

MBI

To

1. The Judicial Magistrate,  
Orathanadu.

2. Do through the Chief Judicial Magistrate,  
Thanjavur District at Kumbakonam.

3. The Sub-Inspector of Police,  
Thiruvonam Police Station,  
Thanjavur District.

4. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

+8 CC to M/s.DR.RAMESH MAHADEV, Advocate ( SR-7249[I] dated  
10/05/2023 )

ORDER  
IN  
CRL OP(MD) No.8663 of 2023  
Date : 10/05/2023

ED/BUC/SAR-3 (12/05/2023) 3P 13C