



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

Date : 05/06/2023

PRESENT

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

CRL OP(MD) . No.9103 of 2023

1. S.Chandran
2. Ponnaiah
3. K.Appar Moorthi
4. Arumugam
5. Senthilkumar
6. Suyambu Rajan
7. Saravanan
8. Santha Moorthi

... Petitioners/Accused No.1 to 8

Vs

State rep. by
The Inspector of Police,
Uvari Police Station,
Tirunelveli District.
(Crime No.40 of 2023).

... Respondent/Complainant

For Petitioners : M/s.Anand.R,
Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

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

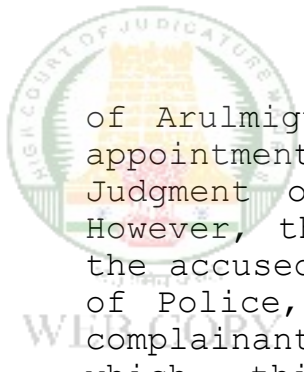
PRAYER :-

For Anticipatory Bail in Crime No.40 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused A1-A8, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 341, 294(b), 352, 506(i) of I.P.C, in Crime No.40 of 2023, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution as per the defacto complaint is that he was appointed as a Archargar by the trustee



of Arulmigu Thiru Sri Suyambulingasamy Thirukovil, Vuvuri is appointment has been given with the seal of approval vide the Judgment of this Court in S.A.(MD)No.2057, 2058, 2059 of 2022. However, the service of the defacto complainant was interrupted by the accused persons and lodged a complaint before the Superintendent of Police, Tirunelveli. Since there is no response, the defacto complainant has filed a writ petition in WP(MD)No.11977 of 2021, in which, this Court had directed the respondent police to take appropriate action. Even after that the respondent police has not taken any action, the defacto complainant has filed a contempt petition in Cont.P(MD)No.1566 of 2022. In the meanwhile, on 10.04.2023, while the defacto complainant was entering into the above said temple, the first accused had throttled his neck and the other accused had abused and prevented him from doing temple service. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioners are innocent and a false case was foisted against them, since there was a previous dispute between the parties. In this case, no one has been injured. Hence, prays to release them on anticipatory bail.

4.The learned Government Advocate (Crl.Side) submitted that in this case, accused persons have abused and assaulted the defacto complainant. Hence, prays to dismiss the petition.

5.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6.Taking into consideration the facts and circumstances of the case and considering the fact that no one has been injured in the occurrence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate, Radhapuram, Tirunelveli**, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with **two common sureties** 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 learned Magistrate may obtain a copy of their Aadhar card or bank pass book to ensure their identity;



(b) the petitioners shall report before the Police daily at 10:30 a.m., for a period of two weeks, thereafter, as and when required for interrogation;

(c) the petitioners shall not tamper with the 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/ petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

05/06/2023

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

PNM

TO

1. The Judicial Magistrate, Radhapuram, Tirunelveli.
2. Do-Through The Chief Judicial Magistrate, Tirunelveli District.
3. The Inspector of Police, Uvari Police Station, Tirunelveli District.
4. The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.R.ANAND, Advocate (SR-8059[I] dated 05/06/2023)

ORDER

IN

CRL OP(MD) No.9103 of 2023

Date : 05/06/2023

NA/BUC/SAR- /08.06.2023/3P/6C

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