



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/06/2023

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.10404 of 2023

1. Periyasamy
S/o.Kaveriya Pillai
2. Guhan
3. Chandrasekaran
4. Periyasamy
S/o.Rengasamy Pillai ... Petitioners/Accused No.1 to 4

Vs

State Rep.by
The Inspector of Police,
Thogaimalai Police Station,
Karur District.
(Crime No.247 of 2023). ... Respondent/Complainant

For Petitioners : M/s.Sivaram J, 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.247 of 2023 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), 353 and 506(i) IPC, in Crime No.247 of 2023, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the Inspector of HR & CE Department, Kulithalai, in the temple namely, 'Arulmigu Kamatchiamman Temple', which belongs to the petitioner's community. From 16.02.2023, the petitioner abused the de-facto complainant in filthy language and prevented him to discharge his official duty and try to create law and order problem by giving wrong information to the public. Hence, the case.



3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution.

4.The learned Government Advocate(Crl.Side) would submit that the said temple was under the control of HR & CE. The petitioners and the others said to have collected money from the public for performing kumbabishekam without getting proper permission from HR & CE Department and that when the same was questioned by the defacto complainant, the said occurrence was happened.

5.Considering the facts and circumstances of the case and also considering the fact that except the offence under Section 506(i) IPC, all other offences are bailable in nature, 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 their 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 Court No.I, Kulithalai, Karur, 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 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 report before the respondent police daily at 10.30 am for a period of one month and thereafter, 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]**; and;



CRL OP(MD). N



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(f)if the accused thereafter abscond, a fresh FIR registered under Section 229-A IPC.

sd/-

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

dss

TO

- 1 THE JUDICIAL MAGISTRATE COURT NO.I, KULITHALAI.
- 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, KARUR DISTRICT.
- 3 THE INSPECTOR OF POLICE, THOGAIMALAI POLICE STATION,
KARUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.10404 of 2023

Date :13/06/2023

RS/SSS/SAR-(26.06.2023) 3P 5C