



Crl.OP(MD)No.13061 of 2023

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

Dated: 27/09/2023

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl.OP(MD)No.13061 of 2023

Ramasamy

...Petitioner/Sole Accused

Vs.

The State represented by
The Inspector of Police,
Avudaiyarkoil Police Station,
Pudukottai District.
(Crime No.89 of 2023)

...Respondent/Complainant

For Petitioner : Mr.P.Venkatesan, Advocate

For Respondent : Mr.S.Manikandan
Government Advocate (Criminal side)

For Intervenor : Mr.R.Paranjothi, Advocate

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

PRAYER:-

For Anticipatory Bail in Crime No.89 of 2023 on the file of the Respondent Police.

ORDER: The Court made the following order:-

The petitioner, who is arrayed as Sole Accused apprehends arrest at the hands of the respondent police for the offences punishable under sections 294(b), 324, 354 and 506(ii) IPC, in Crime No.89 of 2023 on the file of the respondent police, seeks



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anticipatory bail.

2.The case of the prosecution as per the de-facto complainant version, is that on 02/06/2023 at about 03.00 pm, along with her husband, she went to worship in Sree Siddhi Vinayakar temple. At that time, due to previous enmity, the Accused Ramasamy, the petitioner herein refused to permit them to enter into the temple. He refused to receive the tax amount of Rs.2,000/-. She was also pushed down, assaulted and also criminally intimidated. When she was tried to assault with Aruval, caused simple injury to her husband. They admitted in Aranthangi Government Hospital. Based upon which, a case in Crime No.89 of 2023 was registered for the offences stated above.

3.Seeking anticipatory bail, the petitioner is before this court by way of this petition.

4.The de-facto complainant also entered appearance through Advocate. At that time, objection was made to the effect that the de-facto complainant and her husband was not permitted to enter into the temple and there is a clear case of ex-communication.

5.When such an allegation was made, I directed the learned Government Advocate (Criminal side) as well as the respondent police to make a thorough enquiry in this matter. The respondent police was also present before this court, after



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making enquiry on the spot visit. At that time, it was submitted that only the de-facto complainant created some issue, during the temple festival, abused the accused and other villagers. Tax was not collected, because the de-facto complainant married in some other village. As per their custom, the tax will not be collected from the married daughter of the village.

6. But repeatedly, the learned counsel appearing for the de-facto complainant stated that because of the present issue, the accused is threatening the villagers also not to participate in any of the functions. Even though, the de-facto complainant was given in marriage to some other village, now returned back to her parental village and living. According to him, there is no custom in the village.

7. Now whatever it may be, it is seen that some sort of simple issue between the de-facto complainant and the accused arose. She was also not even permitted to attend the funeral ceremony. According to the de-facto complainant, it is a serious issue, which must be taken serious note of by this court.

8. The de-facto complainant also produced the third party affidavit stating that on 10/06/2023, when the de-facto complainant along with her husband came to their house for death ceremony, the petitioner and others did not permit them. He wanted to draw support from the above said affidavit from some of the villagers. I am not going into that aspect. It is a matter for investigation.



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9. But from the information furnished by the respondent over the issue, the de-facto complainant appears to have created unnecessary issue. On that account, the petitioner is entitled for anticipatory bail without going into the issues between the parties.

10. In view of the above fact, this court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Aranthangi, Pudukkottai district and on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate concerned and on further condition that the petitioner shall appear before the respondent police daily at 10.30 am until further orders. The petitioner shall comply with the condition stipulated under [Section 438](#) Cr.P.C. scrupulously. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order is made ready, failing which, the petition for anticipatory bail will stand dismissed.

sd/-

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/10/2023

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



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TO
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- 1 THE JUDICIAL MAGISTRATE,
ARANTHANGI, PUDUKKOTTAI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
AVUDAIYARKOIL POLICE STATION,
PUDUKOTTAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.13061 of 2023
Date :27/09/2023

PKP/DD/SAR- /10.10.2023/ 5P/5C

Madurai Bench of Madras High Court is issuing certified
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