



Crl.OP(MD)No.13992 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.13992 of 2023

S.Rajan @ Elango

: Petitioner/Sole Accused

Vs.

1.The State represented by
The Inspector of Police,
Asaripallam Police Station,
Nagercoil,
Kanniyakumari District.
(Crime No.143 of 2022)

: 1st Respondent/Complainant

2.Gopalakrishnan
(R2 suo motu impleaded
by order, dated 17/08/2023)

: 2nd Respondent/De-facto Complainant

For Petitioner : Mr.N.Pragalathan,Advocate

For Respondent : Mr.B.Nambiselvan
Additional Public Prosecutor

For 2nd Respondent : Mr.T.Gopalakrishnan
(Party-in-Person)



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

PRAYER:-For Anticipatory Bail in Crime No.143 of 2022 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 420, 427, 448 and 506(i) IPC, in Crime No.143 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution in brief:-

The de-facto complainant lodged a complaint stating that the accused is a Trustee of Temple Management Committee, Keezhakonam Village. On 29/09/2021, he was informed that over the issue of the temple administration, he can make a compromise. The de-facto complainant suffered more than Rs.1,00,00, 000/-, because of the activities of the above said Village Administration. He gave Rs.2,00,000/- and promised him to pay the balance amount on the next day. But later, all his house-hold articles were removed and tried to put up construction by laying foundation. All the accused persons also damaged his ancestral property for putting up a temple. They also demolished the boundary walls. Not only that, samathi of the grand-father has also been damaged. They also blocked the common path and removed the standing



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trees. On the basis of the above said occurrence, a case in Crime No. 143 of 2022 was registered for the offences stated above.

3. Seeking anticipatory bail, this petition has been filed.

4. Heard both sides. The de-facto complainant also appeared-in-person.

5. On going through the CD file and counter affidavit filed by the de-facto complainant, who appeared as party-in-person, it is seen that at one point of time, there was a compromise between the petitioner and on behalf of the Trust to pay compensation amount of Rs.5,00,000/- to the de-facto complainant for having caused the damages. But later, it appears that it was not carried on. Only a portion of the amount namely Rs.2,00,000/- was given. The balance amount was not given by the petitioner's Trust. We need not go into the issue between the parties.

6. Now the petitioner and the de-facto complainant have to work their remedy in a proper legal way. But the fact remains that the Church belongs to the de-facto complainant was damaged. When there was a settlement between the parties to compensate the damages, for what reason, it was not carried on, could not be ascertained.

7. So this criminal original petition may be allowed on condition that the petitioner must pay Rs.3,00,000/- to the de-facto complainant.



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8.At that time of passing this order, the learned counsel appearing for the petitioner would submit that when the Trust is responsible for the above said payment of compensation, he cannot held personally liable. But the petitioner has to arrange money from Trust Committee.

9.In view of the above facts, 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 No.1, Nagercoil, 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 is directed to deposit Rs.3,00,000/- to the credit of Crime No.143 of 2023 before the concerned trial court at the time of execution of the suriety. On such deposit being made, the de-facto complainant is permitted to withdraw the amount without waiting for the investigation. On further condition that 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.](#)



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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/-
27/09/2023

/ TRUE COPY /

/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

ER
TO

- 1 THE JUDICIAL MAGISTRATE NO.I, NAGERCOIL.
 - 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE ,
KANYAKUMARI DISTRICT @ NAGERCOIL
 - 3 THE INSPECTOR OF POLICE
ASARIPALLAM POLICE STATION, NAGERCOIL,
KANNIYAKUMARI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.N.PRAGALATHAN, Advocate (SR-14370[I] dated 29/09/2023)

ORDER
IN
CRL OP(MD) No.13992 of 2023
Date :27/09/2023

PKP/VRS/SAR- /12.10.2023/ 5P/ 6C
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