



Crl.OP(MD)No.17295 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.17295 of 2023

- 1.Rajendran
- 2.Perumalsamy
- 3.Marimuthu
- 4.Vasanthakumar
- 5.Velladurai
- 6.Selvam
- 7.Kadarkarai
- 8.Subramanian
- 9.Subbaiah
- 10.Narayanan
- 11.Perumalsamy
- 12.Kuthalingam

... Petitioners/ Accused Nos.1 to12

Vs.

State represented by
The Inspector of Police,
Surandai Police Station,
Tenkasi District.
(Crime No.166 of 2023)

...Respondent/ Complainant



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For Petitioners : Mr.V.Kathirvelu, Senior Counsel
for Mr.P.Subbiah, Advocate

For Respondent : Mr.B.Nambiselvan
Additional Public Prosecutor

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

PRAYER:-For Anticipatory Bail in Crime No.166 of 2023 on the file of the Respondent Police.

ORDER: The Court made the following order:-

The petitioners, who are arrayed as A1 to A12 apprehend arrest at the hands of the respondent police for the offences punishable under sections 153, 153(A), 504, 505 (1)(c) and 505(2) IPC, in Crime No.166 of 2023 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 he is working as Revenue Inspector in Karuvantha village, Tenkasi District. In Achankuttam village, an aided School by name TDTA was functioning under the management of Christen Religion People from 1928. A new building was constructed in 2018 in another area and functioning. The above said Christian management intended to put up a new



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Church in the old school area. The other religious people opposed stating that they will not send their children if the Church is put up in the old school premises. From 25/03/2023, they stopped the children from attending the school. They also tried to get the Transfer Certificate from the school. They also collected Transfer Certificates of 76 children. The accused persons arranged a village meeting and asked the villagers not to send their children to the school run by the TDTA. They have also received Transfer Certificates of 76 children and keeping with them stating that the children should not be readmitted in another school. They also started taking classes to the above said children by arranging inefficient persons as teaching staff. Because of that, they created enmity between two religious people. A Peace Committee meeting was held, on 09/08/2023. A compromise was made by the State to arrange bus facilities and asked the villagers to admit their childrens in the above said school. But the villagers at the instigation of the accused persons, refused. Seeking action against the accused persons, the present complaint has been given. Upon which, a case in Crime No.166 of 2023 was registered for the offences stated above.

3. Seeking anticipatory bail, all the 12 accused persons have filed this petition.

4. Heard both sides.

5. "Forgive them, they know not what they are doing". I have no other apt quote

to explain the illegal activity that has been undertaken by the petitioners in the name

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of religion.

6.What they are doing is infesting the younger mind with hatred, ill-feel and disharmony on the basis of the religion. Not only that, they have divided the younger mind on the basis of the religion. This is a long and short of the subject matter.

7.May be that the grievance of the villagers genuine, when the school administration by name TDTA shifted the elementary school from the present premises to some other place, on ground that the new premises is located at a distant place, causing the children to travel a long distance. But this grievance was also addressed by the District Administration by agreeing to provide proper transport facilities. That was not agreed by the petitioners. But some of the villagers are even now want to admit their children in the very same school,which fact is evident from the perusal of the case diary.

8.The next grievance is that they are putting up a new Church in the old school premises, which belongs to the Government I.e., poramboke land, over which, a writ petition before this Court is also stated to be pending. But further particulars with regard to the number and particulars of parties are not available in the CD file.

9.Suffice to say that in respect of the proposed construction of the Church, now lis is pending before this court. But without addressing the grievance in a lawful manner, as mentioned above, they want to divide the children on the religious line.

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They are also running a parallel educational administration defying the Rule, Law, etc. They suppose that they are law unto themselves, which is also evident from the CD file. They are running the school without proper permission in the unsafe premises, defying the educational, revenue authorities or steps to admit the students in a nearby school.

10. Their grievance to establish a Government School may be genuine. But demanding the above said school to be established by the Government only on the religious line is totally unwarranted and uncalled for. Even the Peace Committee meeting conducted did not succeed because of the attitude of the petitioners. At the intervention of the District Administration, Transfer Certificates of so many children have been received from the school. When attempt is made by the District Administration for admitting the students in a nearby schools, till the establishment of the new school by the Government, that was also prevented or thwarted by the petitioners by keeping the Transfer Certificates of the children. These petitioners, have no business in this matter. It is for the District Administration to take up the issue and resolve the same. But these petitioners are not only gathering a particular religious people, but also even including the children in the above said protest.

11. So such persons are not entitled for any discretionary relief. The attempt on the part of the petitioners to run a parallel school has to be appropriately handled

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through the legal action. The people like these petitioners deserves no sympathy from this court. So, I find no reason to entertain this petition.

12.The learned Senior Counsel appearing for the petitioners has submitted that their grievance is only to relocate the existing school. The attempt on the part of the police to give a religious colour, must be prevented. According to him, the offences mentioned in the FIR are not attracted. But absolutely, I find no reason to entertain this sort of argument. On going through the CD file, the above said facts came to the notice of this court. So on any ground, this petition deserves no consideration at all.

13.In view of the above said, this criminal original petition is dismissed.

sd/-
27/09/2023

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/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

ER
TO

1 THE INSPECTOR OF POLICE
SURANDAI POLICE STATION, TENKASI DISTRICT.



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2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.17295 of 2023
Date :27/09/2023

PKP/GB/SAR- /29.09.2023/ 7P/ 3C

Madurai Bench of Madras High Court is issuing certified
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