



CRL OP(MD). No.17641 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/10/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

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

... Petitioners/ Accused 1 to 8 and 10 to 12

Vs

**State Rep.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
Assisted by
Mr.P.Subbiah , Advocate.
For Respondent : Mr.R.M.Anbunithi
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 petitioner/ Accused apprehends arrest at the hands of the respondent police for the offences under Sections 153, 153(A), 504, 505(1)(c), 505(2) of IPC in Crime No.166 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. This second application for anticipatory bail has been filed on the ground of change of circumstances. Learned senior counsel appearing for the petitioner would submit that some of the co-accused have been granted either regular bail or anticipatory bail as the case may be. Some of the co-accused have also been summoned by the respondent and made enquiry. Now the situation remains calm in the locality. Some of the petitioners were arrested pending this petition.

3. Per contra, learned Additional Public Prosecutor would submit that still the petitioners are creating trouble and their illegal activities continues. According to



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him, there is no change in circumstances.

4. The earlier order dated 27.09.2023 was passed with the following observations:

"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 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



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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. 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 certificate 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



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petitioners by keeping the Transfer Certificate 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 through the legal action. The people like these petitioners deserves no sympathy from this Court. So, I find no reason to entertain this petition."

5. The main reason for the dismissal of the earlier application is with reference to the alleged possession of transfer certificates belonging to the children. Today it has been submitted that no such transfer certificate was available with the petitioners. Only the parents have received the transfer certificates.

6. But the learned Additional Public Prosecutor would submit that it is not correct.

7. Only custodial interrogation will reveal the possession of Transfer Certificates. The certificate is required by the prosecution and parents to admit the children in the recognised schools. In view of the same, I find no change in



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circumstances. This petition is liable to be dismissed. Accordingly, this Criminal Original Petition is dismissed.

sd/-
17/10/2023

/ TRUE COPY /

17/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNN
TO

- 1 THE INSPECTOR OF POLICE
SURANDAI POLICE STATION, TENKASI DISTRICT,
 - 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.P.SUBBIAH, Advocate (SR-15282[I] dated 17/10/2023)

ORDER
IN
CRL OP(MD) No.17641 of 2023
Date :17/10/2023

PKP/17.10.2023/ 6P/ 4C
Madurai Bench of Madras High Court is issuing certified
copies in this format from 17/07/2023