



CRL OP(MD)No.17884 of 2023

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

Date : 09.10.2023

PRESENT

The Hon`ble MR JUSTICE V.SIVAGNANAM

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- 1.Kannan
- 2.Saravanan
- 3.Ponniah @ Ponnaiya
- 4.Santhamoorthy
- 5.Arumugam
- 6.Pitchaiya
- 7.Selvakumar
- 8.Appar Moorthy
- 9.Muthu Manickam
- 10.Suyambu Rajan

... Petitioners / Accused Nos.1 to 6 & 9 to 12

VS

The State rep by
The Inspector of Police,
Uvari Police Station,
Tirunelveli District.
(Crime No.101 of 2023)

... Respondent / Complainant

For Petitioners : Mr.R.Anand, Advocate

For Respondent : Mr.R.Suresh Kumar,
Government Advocate(Crl.side)

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



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PRAYER :-

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For Anticipatory Bail in Crime No.101 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/ A1 to A6 & A9 to A12, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 341, 294(b), 323 and 506(ii) IPC in Crime No.101 of 2023, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant and one Rathinam are the poojaris being appointed by hereditary trustee of Arulmigu Suyambulingasamy Thirukovil and their appointments are said to have been approved in S.A.(MD)Nos.2057, 2058 & 2059 of 2002 and S.A.(MD)No.412 of 2004. In spite of the same, as the petitioners by claiming themselves as hereditary poojaris, have opposed the defacto complainant and one Rathinam. On 26.07.2023, when the defacto complainant and the said Rathinam were proceeded to perform pooja, they were prevented by the petitioners, which resulted in a melee and in that course, the petitioners assaulted the defacto complainant with wooden log and hands. They also caused criminal intimidation. Hence the case.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. Hence, he prayed for anticipatory bail to the petitioners.



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4.The learned Government Advocate(Crl.side) appearing for the respondent would submit that there was a dispute in respect of conducting pooja and due to the same, the petitioners attacked the defacto complainant and also caused criminal intimidation. He would further submit that the petitioners 2, 3, 4, 5, 6, 8, 9, and 10 are having two previous cases. However, he would fairly concede that the injured person has already been discharged from the hospital.

5.Considering the facts and circumstances of the case and also considering the fact that the injured person has already been discharged from the hospital, 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 arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Radhapuram, Tirunelveli District, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties(common surety) each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix their photographs and Left



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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 trial Court on summons.

[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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
09/10/2023

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/10/2023

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

GNS



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To

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1.The Judicial Magistrate,
Radhapuram, Tirunelveli District.

2.Do through the Chief Judicial Magistrate,
Tirunelveli District.

3.The Inspector of Police,
Uvari Police Station,
Tirunelveli District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.R.ANAND, Advocate (SR-14823[I] dated 09/10/2023)

ORDER
IN

CRL OP(MD) No.17884 of 2023

Date :09/10/2023

ED/JGB/SAR- (16/10/2023) 5P / 6C

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