



CRL OP(MD)No.18503 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 V.SIVAGNANAM

CRL OP(MD)No.18503 of 2023

Jayakumar

... Petitioner/ Accused No.4

Vs

State Rep.by
The Inspector of Police,
Watrap Police Station,
Virudhunagar District.
Crime No.220 of 2023

... Respondent/Complainant

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

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

PRAYER :-

For Anticipatory Bail in Crime No.220 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 120(b), 175, 406, 417, 420, 467, 468, 477, 477A IPC in Crime No.220 of 2023 on the file of the respondent police, seeks anticipatory bail.



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2.The case of the prosecution is that the accused persons are committee members of the temple and they mis-utilized the funds, which are collected from the public for renovation work. Hence, the case.

3.The learned counsel appearing for the petitioners would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He would further submit that there is no litigation with regard to the accounts of the temple and absolutely, there is no misappropriation. Hence, he seeks anticipatory bail.

4.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that the petitioner and other accused have misappropriated the amount, which are collected from the public for conducting kumbabishegam. He would further submit that investigation is not yet completed.

5.On perusal of records, it is noticed that the petitioner and others were appointed as committee members to renovate the temple, for which money also collected from the public. There is dispute with regard to the submission of accounts and also dispute with regard to the conducting of kumbabishegam. It is also noticed



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that kumbabishgam was conducted. However, accounts were not submitted by the committee members. The allegations levelled as against the accused are pure civil in nature.

(*)6.Taking into consideration the principles stated by the Honourable Supreme Court in Gurubaksh Singh Sibbia Etc., vs. State of Punjab reported in 1980 AIR 1632 and Lal Kamendra Pratap Singh vs. State of Uttar Pradesh and others reported in (2009)4 SCC 437 and Joginder Kumar vs. State of U.P. and others reported in (1994)4 SCC 260 and taking into consideration the origin of crime, it is seen that the offence alleged as against the petitioner is not a case of heinous crime. Further the petitioner is having permanent resident at **Virudhunagar District**. Hence the principles stated in Hussainara Khatoon & Ors vs. Home Secretary, State Of Bihar reported in AIR 1979 SC 1360 is taken into consideration. In that case, the Hon'ble Supreme Court has cautioned that pre-trial detention is not be encouraged nor is to be encourageable pre-trial release on sureties; that if the Court is satisfied after taking into consideration that the accused has his roots in the community and is not likely to abscond, he can safely be released on his personal bond.

7.In view of the above, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of



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arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.I, Srivilliputhur on condition that the petitioner shall execute a **own** bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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 petitioner shall affix his photograph and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure his identity.

[b] the petitioner shall report before the trial Court on summons.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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].



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[f] If the accused thereafter absconds, a fresh FIR can be registered under

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Section 229A IPC.

sd/-

17/10/2023

**(*)CORRECTED AS PER ORDER OF
THIS COURT DATED 17.11.2023 IN
CRLOP(MD)NO.18503 OF 2023
/ TRUE COPY /**

17/11/2023

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

gns

TO

**TO BE SUBSTITUTED WITH THE ORDER DATED 17/10/2023 ALREADY
DESPATCHED**

1 THE JUDICIAL MAGISTRATE NO.I, SRIVILLIPUTHUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTTUR.

3 THE INSPECTOR OF POLICE, WATRAP POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.P.KRISHNASAMY, Advocate (SR-15314[I] dated 17/10/2023)

+1 CC to M/s.P.KRISHNASAMY, Advocate SR-16563

ORDER IN
CRL OP(MD) No.18503 of 2023
Date :17/10/2023

RS/JGB/SAR-(01.11.2023) 5P 6C

RK/(17.11.2023)5P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023

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