



CRL OP(MD). No.18535 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/10/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.18535 of 2023

1. G.Murugaraj,
2. K.Avudaikannu,
3. Murugaiah,
4. Velmurugan,
5. M.Kaliammal,
6. P.Krishnaselvi,
7. S.Karthiga,

... Petitioners/ Accused Rank Not Known

Vs

**State Rep.by
The Inspector of Police,
Surandai Police Station,
Tenkasi District.
Crime No.166/2023..**

... Respondent/Complainant

For Petitioner : M/s.Karthikeyavenkatachalapathy, Advocate.

**For Respondent : Mr.RMS Sethuraman,
Additional Public Prosecutor**



CRL OP(MD). No.18535 of 2023

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

PRAYER :-

For Anticipatory Bail in Crime No.166/2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/accused, who apprehends 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, seek anticipatory bail.

2.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 Christian 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 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



CRL OP(MD). No.18535 of 2023

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.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and the respondent has registered this case with intention to create panic amount the people of Achankutam Village and infact the respondent police is harassing the village people and disturbing their peaceful life, hence he seek anticipatory bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that objected to grant anticipatory bail to the petitioners stating that law and order problem still exist in the village.

5.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

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CRL OP(MD). No.18535 of 2023

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 origine of crime, it is seen that the offence alleged as against the petitioners is not a case of heinous crime. Further the petitioners are having permanent residents at Tenkasi 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, they can safely be released on their personal bond.

7.In view of the above, this Court is inclined to grant anticipatory bail to the petitioners. 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, Alankulam on condition that the petitioners shall execute own bonds 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



CRL OP(MD). No.18535 of 2023

dismissed and on further condition that :

[a] the petitioners 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 their identity.

[b] the petitioners shall report before the trial Court on receipt of 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/-
16/10/2023

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



CRL OP(MD). No.18535 of 2023

AAV
TO

- 1 THE JUDICIAL MAGISTRATE, ALANKULAM.
 - 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
 - 3 THE INSPECTOR OF POLICE
SURANDAI POLICE STATION, TENKASI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.M.KARTHIKEYA VENKITACHALAPATHY, Advocate (SR-15252[I]
dated 16/10/2023)

ORDER
IN

CRL OP(MD) No.18535 of 2023
Date :16/10/2023

PKP/VRS/SAR- /19.10.2023/ 6P/ 6C
Madurai Bench of Madras High Court is issuing certified
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