



CRL OP(MD) No.74 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Thursday, the Fourth day of January Two Thousand and Twenty Four
PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.74 of 2024

R RAJESH PANDI ... PETITIONER / ACCUSED(RANK NOT KNOWN)
Vs

THE INSPECTOR OF POLICE
INSPECTOR OF POLICE,
MATTUTHAVANI POLICE STATION,
MADURAI CITY.
CRIME NO.736 OF 2023.

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.K.R.LAXMAN, Advocate for
Mr.G.VISHNURAM Advocate

For Respondent : Mr.P.KOTTAICHAMY, Govt. Advocate (Crl. Side)

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

PRAYER:

FOR ANTICIPATORY BAIL IN CRIME NO.736 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 alleged offence under Sections 406 and 420 IPC in Cr.No.736 of 2023, seeks
anticipatory bail.



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2.The case of the prosecution is that the petitioner herein is a Hereditary Trustee of Pandi Koil. Pandi Kovil is well-known to the locality of Madurai City and it is coming under the Hindu Religious and Charitable Endowment Department. A complaint has been made by the Inspector of the department stating that when a surprise inspection was conducted, it is alleged that the petitioner has sold the tickets of the temple and the amount was withheld by him and a sum of Rs.2,001/- was not tallied and hence, the complaint.

3.The learned counsel for the petitioner would submit that there was a dispute between the petitioner and the department with regard to appointment of Fit Person, which has been agitated before this Court and also the Apex Court and the Apex Court has appointed the petitioner as a Trustee and in order to wreck vengeance, the present complaint came to be registered. Accordingly, he prays for grant of anticipatory bail.

4.The learned Additional Public Prosecutor vehemently oppose the grant of anticipatory bail by stating that the petitioner, the ticket amount has not been produced to the department, instead, the petitioner has misappropriated the same, thereby he cheated the department. He would further submit that the difference is Rs.2,001/-.



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5. Considering the facts and circumstances of the case and considering the submission made by the learned counsel for the petitioner, I am inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is granted anticipatory bail and he is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the **learned Judicial Magistrate, No.VI, Madurai**, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties 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 and on further condition that:

(a) if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police as and when required for the purpose of interrogation;



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(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioner shall not abscond either during investigation or trial;

(f)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]*; and;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
04/01/2024

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/01/2024

Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

RR

TO

1 THE JUDICIAL MAGISTRATE NO.VI,
MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.



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3 THE INSPECTOR OF POLICE
INSPECTOR OF POLICE,
MATTUTHAVANI POLICE STATION,
MADURAI CITY.

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

+1 CC to M/s.G.VISHNURAM, Advocate (SR-203[I] dated 05/01/2024)

ORDER
IN
CRL OP(MD) No.74 of 2024
Date :04/01/2024

SS/JGB/SAR- /12/01/2024/5P/6C

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