



CRL OP(MD) No.1120 of 2024

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

Monday, the Twenty Ninth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.1120 of 2024

1 ALAGARSAMY @ ALAGIRI

2 MANI

3 MUTHU ... PETITIONER / ACCUSED RANK NOT KNOWN

Vs

THE INSPECTOR OF POLICE
BODINAYAKKANUR TALUK POLICE STATION,
THENI DISTRICT.

(CRIME NO.NOT KNOWN OF 2024) ... RESPONDENT / COMPLAINANT

For Petitioner : M/S.MAHENDRAPATHY.S, Advocate

For Respondent : MR.S.MANIKANDAN, Govt. Advocate (Crl. Side)

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

PRAYER:

FOR ANTICIPATORY BAIL IN CRIME NO. NOT KNOWN OF 2024 ON THE
FILE OF THE RESPONDENT POLICE

ORDER : The Court Made the following order :-

The petitioners/Accused Rank Not Known, who apprehend arrest at the

hands of the respondent police for the alleged offence under Sections 406, 147, 148,
<https://www.mhc.tn.gov.in/judis>

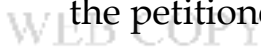


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294(b) and 506(2) of IPC in Crime No.20 of 2024, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and the defacto complainant are Pangalis. They are having own temple namely, 'Arulmighu Thiru Moolammal Thirukoil'. The defacto complainant's family is performing Pooja in the said temple. However, the petitioner and their brothers claim that they are the Administrator of the said temple. In such circumstances, the petitioner entered into the temple and abused the defacto complainant and his brothers in filthy language and threatened them to hand over the records of the temple. Further, they took away the entire gold jewels of the deity. Hence, the defacto complainant lodged a complaint before the Law Enforcing Authority.

3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that the petitioners are also the administrator of the temple. The said temple is a common temple. Both the petitioners and the defacot complainant are Pangalis and performing Pooja in the said temple. Whereas the petitioner is managing the temple, the gold jewels are under the custody of the petitioners. Hence, he prays for grant of anticipatory bail to



4.The learned Government Advocate (Crl.Side) appearing for the State submitted that it is a dispute regarding the Administration of the temple. The investigation is still pending. Hence, he vehemently, opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also considering the fact that it is a dispute between the Pangalis regarding to administration of their own temple, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are granted anticipatory bail and they 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Bodinayakkanur, Theni District, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each 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:



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(a) if the petitioners 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)(i) the petitioners and the defacto complainant shall deposit the gold ornaments of the deity in any one of the Nationalized Banks in the name of the Temple. Whenever they decided to perform Pooja, the petitioners and the defacto complainant shall jointly go to the Bank and take the jewels from the Bank and after concluding Pooja, again, they shall hand over the same to the Bank Official.

(b)(ii) the petitioners shall comply with the said condition before the execution of the sureties.

(c) 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;

(d) the petitioners shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter, as when required for interrogation;

(e) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(f) the petitioners shall not abscond either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial



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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]; and;

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

sd/-
29/01/2024

/ TRUE COPY /

/01/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS
TO

- 1 THE JUDICIAL MAGISTRATE,
BODINAYAKKANUR, THENI DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
- 3 THE INSPECTOR OF POLICE
BODINAYAKKANUR TALUK POLICE STATION,
THENI DISTRICT.



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

COPY TO
THE OFFICER INCHARGE,
ARUL MIGHU THIRUMOOLAMMAL THIRUKOVIL,
KEELAPATTI, RASINGAPURAM VILLAGE,
BODINAYAKKANUR TALUK,
THENI DISTRICT.

+1 CC to M/s.S.MAHENDRAPATHY, Advocate (SR-1094[I] dated 29/01/2024)

ORDER
IN
CRL OP(MD) No.1120 of 2024
Date :29/01/2024

PKP/VR/SAR /31.01.2024/ 6P/ 7C

Madurai Bench of Madras High Court is issuing certified
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