



CRL OP(MD) No.1678 of 2024

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

Monday, the Fifth day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.1678 of 2024

MANIKANDAN

... PETITIONER/SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE
THISAIYANVILAI POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO.46 OF 2024.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.B.N.RAJA MOHAMED, Advocate

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

PETITION FOR ANTICIPATORY BAIL UNDER SEC 438 OF CR.P.C.

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO.46 OF 2024 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner, who apprehend arrest at the hands of the respondent Police for the alleged offence under Sections 448, 294(b), 323 and 506(ii) of IPC in Crime No.46 of 2024, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is a devotee of Sri



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Sudalai Andavar Thirukovil. On 24.01.2024, the petitioner trespassed into the said temple, abused the defacto complainant using filthy language, thereby, restraining him from proceeding with the pooja arrangements, raised his voice objecting to conduct pooja of the temple and also threatened him with dire consequences. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that that the petitioner has not committed any offence as alleged by the prosecution. Further, he would submit that the administration of the said temple used to raise funds to conduct the every year festival. One Chamber Selvaraj has a habit of foisting false cases against anyone, who questioned about the accounts of expenditure. At the instigation of the said Chamber Selvaraj, this false complaint has been registered by the defacto complainant. Hence, he prays for grant of anticipatory bail.

4.The learned Government Advocate (Crl.Side) would submit that injured is discharged from the hospital and four previous cases are pending against the petitioner in similar nature.

5. Considering the facts and circumstances of the case and though four previous cases are pending against the petitioner in similar nature, the injured is discharged from the hospital, I am inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is granted anticipatory bail and he is ordered to



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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, Radhapuram, Tirunelveli District, on condition that the petitioner 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 daily at 10.30 p.m., for a period of two weeks and thereafter, he shall appear before the respondent Police as and when required;

(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;



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(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/-
05/02/2024

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/02/2024

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

INDU

TO

1 THE JUDICIAL MAGISTRATE, RADHAPURAM, TIRUNELVELI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE, THISAIYANVILAI POLICE STATION,
TIRUNELVELI DISTRICT.

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



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ORDER

IN

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Date :05/02/2024

RS/GS/SAR-(09.02.2024) 5P 5C

Madurai Bench of Madras High Court is issuing
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