



CRL OP(MD) No.2325 of 2024

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

Wednesday, the Fourteenth day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2325 of 2024

BOSE

... PETITIONER/ACCUSED NO.1

Vs

THE INSPECTOR OF POLICE
USILAMPATTI TALUK POLICE STATION,
MADURAI DISTRICT.
CRIME NO. 46/2024

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.K.SURENDRAN, 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/A1, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 147, 453 and 427 of IPC, in Crime No.46 of 2024, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the Village Administrative Officer sent a



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complaint to the HR & CE Department stating that the Hyndial of Arulmighu Kalyana Karuppasamy Koil situated in Ariyapatti, Usilampatti Taluk, was opened by the petitioner and other accused. Hence, the respondent police registered a case against the petitioner and other accused persons.

3.The learned counsel appearing for the petitioner would submit that it is not a HR & CE temple and the hyndial was opened for the performance of pooja. However, the complaint was received. Immediately, all the money which was taken, again poured in the hyndial by the petitioner. Hence, he prays for grant of anticipatory bail to the petitioner.

4.Mrs.Joshpin, Sub-Inspector of Police, Madurai District, is appeared before this Court and stated that the entire money was again poured in the hyndial.

5.The learned Government Advocate (Crl. side) has not disputed the said fact submitted by the Sub-Inspector of Police.

6.Considering the facts and circumstances of the case and also considering the fact that the entire money was again poured in the hyndial, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, this Criminal Original Petition is ordered and the petitioner 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



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learned Judicial Magistrate No.1, Usilampatti, 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 a.m., for a period of two weeks and thereafter, as and when required for interrogation;

(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



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learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court

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in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

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

sd/-
14/02/2024

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/02/2024
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

1 THE JUDICIAL MAGISTRATE NO.I,
USILAMPATTI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE,
USILAMPATTI TALUK POLICE STATION,
MADURAI DISTRICT.

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

+1 CC to M/s.K.SURENDRAN, Advocate (SR-1822[I] dated 14/02/2024)



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ORDER

IN

CRL OP(MD) No.2325 of 2024

Date :14/02/2024

RS/VR/SAR-(20.02.2024) 5P 6C

Madurai Bench of Madras High Court is issuing
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