



CRL OP(MD) No.2603 of 2024

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

Tuesday, the Twentieth day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2603 of 2024

1 I.KALYANI

2 C.KALYANI

3 PANDI

4 VAIYAKATTU SAMY

... Petitioners / Accused No.2 to 5

Vs

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

... Respondent / Complainant

For Petitioners : M/s.K.Surendran, Advocate

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 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 petitioners, who apprehend 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



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2024, on the file of the respondent Police, seek anticipatory bail to the petitioners.

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2.The case of the prosecution is that the Village Administrative Officer sent a complaint to the HR & CE Department stating that the Hundial of Arulmighu Kalyana Karuppasamy Koil situated in Ariyapatti, Usilampatti Taluk, was opened by the petitioners and other accused. Hence, the respondent Police registered a case against the petitioners and other accused persons.

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

4.On 14.02.2024, the anticipatory bail petition filed by the co-accused was listed before this Court, at that time, Mrs.Joshpin, Sub-Inspector of Police, Madurai District, appeared before this Court and stated that the entire money was again poured in the hundial and the learned Government Advocate (Crl.Side) appeared on that date had not disputed the said fact submitted by the Sub-Inspector of Police.

5. The learned Additional Public Prosecutor would submit that the co-accused was granted anticipatory bail by this Court, vide order dated 14.02.2024. Hence, he has no objection to grant anticipatory bail to the petitioners.



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

7.Accordingly, this Criminal Original Petition is ordered and 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 of receipt of a copy of this order, before the learned District Munsif cum Judicial Magistrate No.1, Usilampatti, Madurai 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:

(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)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 petitioners shall report before the respondent Police daily at 10.30 a.m.,



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for a period of two weeks, thereafter, they shall appear before the respondent Police as and when required for interrogation,;

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

(e)the petitioners 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 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;

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

sd/-
20/02/2024

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

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1.The District Munsif cum Judicial Magistrate No.I
Usilampatti, Madurai District.

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-2117[I] dated 20/02/2024)

ORDER
IN

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Date :20/02/2024

ED/ VR /SAR- (27/02/2024) 5P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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