



CRL OP(MD) No.3165 of 2024

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

Friday, the First day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3165 of 2024

1 GOWTHAM

2 KARTHICK

3 THOLKAPPIYAN

4 NAMATCHIVAYAM

... Petitioners / Accused Rank not known

Vs

THE INSPECTOR OF POLICE  
SIVAGANGAI TALUK POLICE STATION,  
SIVAGANGAI DISTRICT.  
(CRIME NO.55/20224)

... Respondent / Complainant

For Petitioners : M/s.A.Balaji, Advocate

For Respondent : Mr.S.Manikandan,  
Government Advocate ( Crl. Side)

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

PRAYER :

FOR ANTICIPATORY BAIL IN CRIME NO. 55/2024 ON THE FILE OF  
THE RESPONDENT POLICE.



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ORDER: The Court Made the following order :-

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The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 427 and 457 IPC, in Crime No.55 of 2024, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the Priest of Sri Servalinga Ayyanar Thirukovil, at Easanur Village, Sivagangai District. On 22.02.2014, some unidentified persons trespassed into the Temple premises and damaged Kalvettu and threatened the Priest with dire consequences. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution and they have been falsely implicated in this case. However, on instructions, the learned counsel appearing for the petitioners would submit that the petitioners are ready and willing to deposit a sum of Rs.10,000/- each to the credit of Crime No.55 of 2024 before the trial Court, without prejudice to their rights and contentions before the trial Court and the trial Court may disburse the said amount to the defacto complainant for restoration of Kalvettu and performance of poojas. He would further submit that the petitioners have jointly filed an undertaking affidavit that they will not interfere with day-to-day affairs of the Temple administration in



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future.

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4. The learned counsel appearing for the intervenor submits that the petitioners have illegally trespassed into the Temple and damaged Kalvettu and threatened the Priest.

5. The learned Government Advocate (Crl.side) appearing for the respondent Police submitted that the investigation is yet to be completed.

6. Considering the facts and circumstances of the case and the undertaking affidavit filed by the petitioners and the fact that the petitioners are ready and willing to deposit a sum of Rs.10,000/- each to the credit of Crime No.55 of 2024 before the trial Court, without prejudice to their rights and contentions before the trial Court, this Court is inclined to grant anticipatory bail to the petitioners.

7. 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 No.2, Sivagangai, 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)as per the undertaking given by the petitioners, the petitioners are directed to pay a sum of Rs.10,000/- (Rupees Ten Thousand only) each to the credit of Crime No.55 of 2024 before the trial Court, without prejudice to their defence before the trial Court and the concerned Magistrate may disburse the said amount to the defacto complainant. The defacto complainant shall utilize the said amount for the purpose of restoration of Kalvettu and performance of poojas;

(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 and 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/-  
01/03/2024

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/03/2024  
Sub-Assistant Registrar  
(C.S. I / II / III /IV)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

SSB

To

1.The Judicial Magistrate No.II,  
Sivagangai.

2.Do through the Chief Judicial Magistrate,  
Sivagangai District.

3.The Inspector of Police,  
Sivagangai Taluk Police Station,  
Sivagangai District.

4.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.



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+1 CC to M/s.A.BALAJI, Advocate ( SR-2631[I] dated 01/03/2024 )

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+1 CC to M/s.R.ANAND, Advocate ( SR-2635[I] dated 01/03/2024 )

ORDER

IN

CRL OP(MD) No.3165 of 2024

Date :01/03/2024

ED/ GS /SAR- (06/03/2024) 6P / 7C

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