



CRL OP(MD) No.3666 of 2024

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

Thursday, the Seventh day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3666 of 2024

1 THIRUMALAI MUTHU

2 T.DEEPAN

... PETITIONERS / ACCUSED 1 & 2

Vs

THE INSPECTOR OF POLICE
CHINNAMANUR POLICE STATION,
THENI DISTRICT.
CRIME NO. 95/2024

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.SHANMUGANATHAN.VR Advocate

For Respondent : Mr.S.MANIKANDAN, Govt. Advocate (CrI. Side)

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

PRAYER:- FOR ANTICIPATORY BAIL IN CRIME NO. 95 OF 2024 ON THE FILE
OF THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioners/ A1 & A2, who apprehend arrest at the hands of the respondent
police for the alleged offence under Sections 147, 448, 353, 294(b), 323 and 379 of IPC

in Cr.No.95 of 2024, seek anticipatory bail.

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2.The case of the prosecution is that there was a management dispute in the Kuchanur Temple between the petitioners and the HR & CE Department. Challenging the same, the petitioners filed a writ petition in W.P.(MD)No.18331 of 2022 and also succeeded in the said case. Aggrieved over the same, the defacto complainant made a complaint against the petitioners before the respondent police.

3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and in order to wreck vengeance, the HR & CE Department made a false complaint against the petitioners as if the petitioners misappropriated Rs.15,000/- in the temple amount. However, on instructions, he would further submit that the petitioners are ready to deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) to the credit of Crime No.95 of 2024. Hence, he prayed for granting anticipatory bail.

4.The learned Government Advocate (Crl. side) appearing for the State strongly opposed this petition on the ground that investigation is pending.

5.Considering the facts and circumstances of the case and also considering the fact that the issue was already pending before the Hon'ble Division Bench of this Court and it is an undisputed fact that the petitioners have already succeeded in the case as against the HR & CE Department, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



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6. 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 three weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Uthamapalayam, 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) the petitioners shall deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) to the Credit of Crime No.95 of 2024 before the learned Judicial Magistrate, Uthamapalayam, without prejudice to their rights and contentions and also produce the challan/receipt/acknowledgement before the trial Court at the time of furnishing sureties;

(b) if the petitioners failed to surrender before the concerned Magistrate within a period of three weeks from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(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;



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(d) the petitioners shall report before the respondent police 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 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/-
07/03/2024

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

SJI
TO
1 THE JUDICIAL MAGISTRATE,
UTHAMPALAYAM.

<https://www.hmc.tn.gov.in/judis>



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2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, THENI DISTRICT.

3 THE INSPECTOR OF POLICE
CHINNAMANUR POLICE STATION,
THENI DISTRICT.

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

+1 CC to M/s.VR.SHANMUGANATHAN, Advocate (SR-2991[I] dated 08/03/2024)

ORDER
IN
CRL OP(MD) No.3666 of 2024
Date :07/03/2024

SA/VR/SAR. /18.03.2024/5P/6C

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