



CRL OP(MD).No.8988 of 2024

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

Date : 20.06.2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD).No.8988 of 2024

1. Latha
2. Nagajothi

... Petitioners/ A1 and A2

Versus

The State rep. by
The Inspector of Police,
Chinnamannur Police Station,
Theni District.
(Crime No.236 of 2024)

... Respondent/Complainant

For Petitioners : Mr.B.Jeyakumar
Advocate

For Respondent : Mr.P.Kottaichamy
Government Advocate (Crl. side)

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

PRAYER :-

For Anticipatory Bail in Crime No.236 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, apprehending arrest at the hands of the respondent Police, in connection with a case in Crime No.236 of 2024, for the offence under Sections 447, 427, 294(b) and 379 IPC, have filed this petition seeking anticipatory bail.



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2. The defacto complainant is working as Executive of Arulmighu Phulanatheeswarar Temple, Chinnamannur, Uthamapalayam, Theni. The petitioners have encroached the temple lands and they were in enjoyment of the temple land for several years. Therefore, the temple administration has initiated action as against the petitioners. The temple administration has lost the suit, however, succeeded in the appeal suit in A.S.No.15 of 2012 before the Sub Court, Uthamapalayam, by a Judgment and Decree dated 22.08.2023. The temple administration has also taken the possession of the temple land, as per the Judgment and Decree dated 22.08.2023 passed in A.S.No.15 of 2012 and the defacto complainant/the Executive Officer has put up a board in the temple land that the land belongs to the temple. But, the petitioners have damaged the Board and also taken away coconuts from the land of the temple.

3. The learned counsel for the petitioners submits that the petitioners have not committed any offence as alleged by the prosecution. In fact, the Board fixed in the temple land has fallen down due to heavy rain. He further submits that as against the Judgment and Decree dated 22.08.2013 passed in A.S.No.15 of 2012, the petitioners have also filed a second appeal before this Court and it is pending at the SR stage.



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4. The learned Government Advocate (Crl. Side) submits that the investigation is yet to be completed.

5. It appears that the petitioners suffered with a decree dated 22.08.2013 passed in A.S.No.15 of 2012. However, they threw away the board fixed by the Executive Officer in the temple lands, which would amount to interfering with the administration of the Executive Officer.

6. It is not only the duty of the Executive Officer to protect the property of the temple, but, it is also the duty of the courts to protect and safeguard the properties of religious and charitable institutions from wrongful claims, as per the orders of the Hon'ble Supreme Court.

7. The Executives Officers of the Temples are not having sufficient man power to protect the properties of the temple. Even after obtaining a decree in favour of the temple, if the petitioners are indulging in such activity of encroaching the temple property, it has to be deprecated.

8. Considering the nature of offence and also considering the conduct of the petitioners, this Court is not inclined to grant anticipatory bail to the petitioners.



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9. Accordingly, this Criminal Original Petition is dismissed.

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/07/2024

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

OGY
TO

1 THE INSPECTOR OF POLICE
CHINNAMANNUR POLICE STATION, THENI DISTRICT.

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

ORDER
IN

CRL OP(MD) No.8988 of 2024
Date :20/06/2024

SS/GS/SAR- /10/07/2024/4P/3C

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