



CRL OP(MD). No.17765 of 2024

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

Date : 25/10/2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

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1. Latha

2. Nagajothi

... Petitioners/ Accused No.1 and 2

Vs

The State of Tamil Nadu,
Rep by,
The Sub Inspector of Police,
Chinnamanur Police Station,
Theni District,
(Crime No.236 of 2024.)

... Respondent/Complainant

For Petitioners : M/s.A.R.Kannappan, Advocate.

For Respondent : Mr.B.Thanga Aravind,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.236 of 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/accused who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 447, 427, 294(b) and 379 of I.P.C., in Crime No.236 of 2024 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners had encroached upon the Temple land and therefore, the Temple Administration has filed a suit before the competent Civil Court and has also succeeded in the Civil Court. Thereafter, they have put up a Board in the Temple land by referring to the judgment and decree passed by the Sub Court, Uthamapalayam, Theni District, in A.S.No.15 of 2012 dated 22.08.2023. The petitioners are said to have damaged the Board and thrown away the said Board. Therefore, a complaint was lodged by the Executive Officer of Arulmigu Poolanathaeswarar Temple, Chinnamanur, Theni, and based on that, a criminal case was registered.

3. The learned counsel for the petitioners would submit that considering the conduct of the petitioners in damaging the Board put up by the Temple Administration, after obtaining the judgment and decree in A.S.No.15 of 2012 dated 22.08.2023, this Court was not inclined to grant anticipatory bail to the petitioners and rejected the earlier application filed by the petitioner in CrI.O.P(MD)No.8988 of 2024. Now, they have renewed this application with an undertaking affidavit.



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respondent.

4. Heard the learned Government Advocate (Crl.Side) appearing for the

5. This is the second application filed with an undertaking affidavit filed by the petitioner that he will not disturb the possession of the Temple any more. The affidavit filed by the petitioners before this Court is also extracted as under:

“3.I submit that at no point of time I have disturbed the possession of the temple namely Poolanatheeswarar Temple, Chinnamanur, Theni District. I further undertake that I will not disturb the possession of the above said temple in future also and I am filing this affidavit of undertaking without prejudice to my defence in the criminal case as well as civil case.”

6. Considering the undertaking affidavit filed by the petitioners before this Court, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions:

7. Accordingly, 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 on which the order copy made ready, before the learned Judicial Magistrate, Uthamapalayam, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/-



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(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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

- i. The petitioners and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the Government in proof of their residence address;
- ii. The petitioners shall appear before the respondent police daily at 10.30 a.m until further orders. The respondent police shall also get an undertaking affidavit from the petitioners and also after issuing notice to the defacto complainant to ascertain the same whether they are interested in prosecuting the criminal case and conclude the criminal proceedings considering the undertaking affidavit in a fair manner;
- iii. The petitioners shall not misuse the liberty granted to him by indulging in any further offence and shall not tamper with the prosecution witnesses. The petitioners shall be available for the trial as well.
- iv. On violation of any of the above conditions by the petitioners,



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the respondent police shall move an application for cancellation
of the anticipatory bail.

sd/-
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/11/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

NS

To

1.The Judicial Magistrate,
Uthamapalayam.

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

3.The Sub 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.A.R.KANNAPPAN, Advocate (SR-13337[I] dated 29/10/2024)

ORDER
IN
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ED/ MMS /SAR- (04/11/2024) 6P / 6C

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