



CRL OP(MD). No.18544 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/10/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

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1. Tilaiambalam
2. Thirusitrampalam
3. Sanmugasundaram
4. Palanikumar
5. Kayalvizhi

... Petitioners/ Accused No.1 to 4 & 6

Vs

The State of Tamil Nadu,
Rep By, The Inspector of Police,
M.Chatrapatti Police Station,
Madurai District,
Cr.No.96 of 2024..

... Respondent/Complainant

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

For Respondent : Mr.A.Albert James,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL UNDER SECTION 482 OF BNSS

PRAYER :-

For Anticipatory Bail in Cr.No.96 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 191(2), 191(3), 296(b), 115(2), 118(1), 351(3) of BNS and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.96 of 2024, seek anticipatory bail.

2.The case of the prosecution is that due to dispute as to who will get the first respect in the temple the petitioners herein said to have attacked the defacto complainant and thereby, caused injuries. Hence, the case.

3. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) appearing for the respondent Police and perused the materials available on record.

4. Considering the nature of allegations in this case that on account of a dispute as to who will get the first respect in the temple, both sides said to have attacked each other indiscriminately and even the petitioners herein have suffered injuries, I am inclined to consider the prayer of the learned counsel for the petitioners 2 to 5 for anticipatory bail. However, since both parties are repeatedly involving in violence with reference to the said temple, the petitioners shall go to some other temple for worship and will not interfere in the affairs of the said temple and the petitioners 2 to 5 shall file such an affidavit while executing the surety.



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5. Accordingly, the petitioners 2 to 5 are ordered to be released on bail in the event of their 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.V, Madurai on condition that the petitioners 2 to 5 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

a)the petitioners 2 to 5 and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners 2 to 5 shall file an affidavit of undertaking that they will do worship in some other temple and will not enter into the subject matter of temple or interfere in its affairs.

(c)the petitioners 2 to 5 shall report before the respondent police daily at 10.30 am for a period of two weeks and thereafter, as and when required for interrogation;

(d)the petitioners 2 to 5 shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioners 2 to 5 shall not abscond either during investigation or trial;



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(f) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners 2 to 5 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

6. As far as the first petitioner is concerned, since he has got 10 previous cases, I am not inclined to enlarge the first petitioner on anticipatory bail and accordingly, this Criminal Original Petition is dismissed as against the first petitioner.

sd/-
28/10/2024

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

TRP

TO
1 THE JUDICIAL MAGISTRATE
NO.V, MADURAI.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.



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3. THE INSPECTOR OF POLICE,
M.CHATRAPATTI POLICE STATION,
MADURAI DISTRICT,

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

ORDER
IN
CRL OP(MD) No.18544 of 2024
Date :28/10/2024

PSP/ GSV /SAR /21.11.2024/ 5P/ 5C

Madurai Bench of Madras High Court is issuing certified
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