



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

Tuesday, the Seventh day of November Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.15080 of 2017

1 SAROJA
2 SUNDARAVEL

... PETITIONERS/ACCUSED No.1 & 2

Vs

THE STATE OF TAMIL NADU
THE INSPECTOR OF POLICE
THATTARMADAM POLICE STATION,
THOOTHUKUDI DISTRICT,
CRIME NO.122/2017

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.R.BALAKRISHNAN Advocate

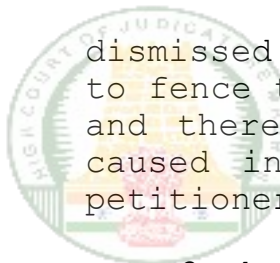
For Respondent : MR.K.ANBARASAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused Nos.1 and 2, apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b) and 506(i) of I.P.C., in Crime No.122 of 2017, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the second petitioner borrowed a sum of Rs.70,000/- (Rupees Seventy Thousand only) from the defacto complainant and the defacto complainant obtained the petitioners' signature in a blank stamp papers and every month, the petitioners also paid interest to the defacto complainant, without fail. Thereafter, the defacto complainant demanded more money with huge interest from the petitioners, but, the petitioners refused to pay the said amount. Hence, the defacto complainant threatened the petitioners that he has already executed a registered sale deed in respect of the petitioner's property. Immediately, the petitioners rushed to get Encumbrance Certificate, where they came to know that the fraudulent sale deed has been created in favour of the defacto complainant. Hence, the petitioner filed a suit in O.S.No.37 of 2017 on the file of the District Munsif, Sathankulam seeking to set aside the sale deed dated 28.03.2012 as null and void and the suit is adjourned for filing written statement by the defacto complainant. Thereafter, the defacto complainant filed another suit in O.S.No.41 of 2017 for permanent injunction. Along with the suit, the defacto complainant filed an application in I.A.No.370 of 2017 seeking interim injunction against the petitioners and the same was



dismissed on 05.10.2017. Thereafter, the defacto complainant tried to fence the property and the same was questioned by the petitioners and thereby, the petitioners attacked the defacto complainant and caused injuries. Hence, a case has been registered against the petitioners.

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution.

4. The learned Government Advocate (Crl.side) appearing for the State submitted that the injured person was discharged from the hospital.

5. Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Crl.side), I am inclined to grant anticipatory bail to the petitioners with certain conditions. 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Sathankulam, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) each with two sureties 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 condition that:

(i) the second petitioner 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 and the first petitioner shall report before the respondent police, as and when required for interrogation;

(ii) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(iii) the petitioners shall make themselves available for interrogation including custodial interrogation as and when required by the investigation officer;

(iv) the petitioners shall not abscond either during investigation or trial;

(v) the petitioners shall not commit any offence while on bail;

(vi) 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 and the anticipatory bail granted stands cancelled automatically.

sd/-

07/11/2017

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE,
SATHANKULAM

2 THE CHIEF JUDICIAL MAGISTRATE
THOOTHUKUDI DISTRICT

3 THE INSPECTOR OF POLICE
THATTARMADAM POLICE STATION,
THOOTHUKUDI DISTRICT

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

+1. CC to M/S.R.BALAKRISHNAN Advocate SR.No.34062

ORDER

IN

CRL OP(MD) No.15080 of 2017

Date :07/11/2017

SMA/SM/SAR-2/10.11.2017:3P/6C