



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

Tuesday, the Eleventh day of July Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.4000 of 2017

1 TAMILARASI
2 SOUNDARAPANDI
3 SANGAIAH@RAJA
4 CHANDRAN

... PETITIONERS/ ACCUSED 1 TO 4

Vs

STATE REPRESENTED BY
INSPECTOR OF POLICE
SHOLAVANDAN POLCIE STATION,
MADURAI DISTRICT
CRIME NO.97 OF 2017

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.D.BALAMURUGAPANDI Advocate

For Respondent : MR.A.RAMAR, ADDITIONAL PUBLIC PROSECUTOR

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

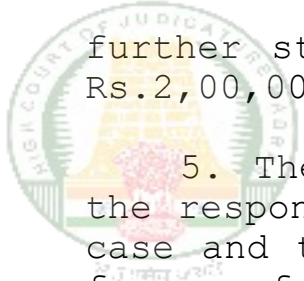
ORDER : The Court Made the following order :-

The petitioners/A1 to A4, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 420, 294(b) and 506(ii) of IPC in Crime No.97 of 2017, seek anticipatory bail.

2.Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor (Crl. Side) appearing for the respondent.

3. The case of the prosecution is that due to money dispute, there was a wordy quarrel arose between the first petitioner and the de facto complainant and hence, the petitioners attacked the defacto complainant and abused him in filthy language.

4. The learned counsel appearing for the petitioners states that the petitioners are an innocent person and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case. He would



further state that the petitioner is willing to pay a sum of Rs.2,00,000/- within six months time.

5. The learned Additional Public Prosecutor appearing for the respondent states that there are totally 4 accused in this case and the A1 is said to have executed the mortgage deed in favour of the de facto complainant for a sum of Rs.2,00,000/- and thereafter, she has received a Rs.30,000/- from the de facto complainant. While the de facto complainant demanded the money, the petitioners herein is said to have made threat of dire consequences by using abusive languages. He would further state that the matter was already referred to mediation, but, the mediation failed and the mediation report was also received by this Court.

6. The claim made against the first petitioner herein is in respect of mortgage deed and hence, Section 420 of IPC is not applicable to the facts of the present case. Further, the defacto complainant can file a suit for payment of the mortgaged money through Civil Court.

7. In view of the fact that civil remedies available to the de facto complainant in this case, this Court is 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 before the learned Judicial Magistrate, Vadipatti, Madurai District and on each of them executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the petitioners shall appear before the respondent police once in a week i.e on every Monday at 10.30 am until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
11/07/2017

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TRP
TO

1 THE JUDICIAL MAGISTRATE VADIPATTI, MADURAI DISTRICT.

2 -DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE, SHOLAVANDAN POLICE STATION,
MADURAI DISTRICT

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

+1. CC to M/S.D.BALAMURUGAPANDI Advocate SR.No.26193

+1cc to MR.S.VELLAICHAMY, Advocate in SR.No.26236

GJM/CM/MSA/SAR-2-12.7.17-3P-7C

ORDER

IN

CRL OP(MD) No.4000 of 2017

Date :11/07/2017