



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

Wednesday, the Seventeenth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.138 of 2018

1 K.RENUGADEVI
2 M.U.KANAGARAJAN
3 K.BALAMURUGAN
4 SUNDARAJ

... PETITIONERS / ACCUSED
Rank Know Known

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
CENTRAL CRIME BRANCH,
TRICHY DISTRICT, TRICHY,
CR.NO. NOT KNOWN OF 2018

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.G.MOHANKUMAR Advocate

For Respondent : Mr.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

For Intervenor : Mr.R.SUNDAR, Advocate

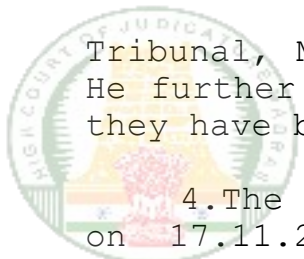
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners who are arrayed as accused in Crime No. not known of 2017 of the Inspector of Police, Central Crime Branch, Trichy. He apprehend arrest at the hands of the respondent police for the alleged offences under Section 294(b), 324, 506(ii) I.P.C., he has filed this petition, seeking the relief of anticipatory bail.

2.The case of the prosecution is that there was a civil dispute between the petitioners and the defacto complainant with regard to purchase of the property, due to which, petitioners assaulted the defacto complainant with deadly weapons and also threatened him.

3.The learned counsel appearing for the petitioners submitted that two proceedings are pending in respect of the above said property i.e. O.S.No.95 of 2016 on the file of I Additional District Judge, Thiruchirapalli for partition and other application in SA.SR.No.438 of 2015 is pending on the file of the Debt Recovery



Tribunal, Madurai, wherein the defacto complainant is also a party. He further submitted that the petitioners are innocent persons and they have been falsely implicated in this case.

4.The learned Government Advocate(Criminal Side) submitted that on 17.11.2017, the respondent police sent a letter to these petitioner to appear before the Assistant Commissioner for enquiry with regard to C.No.1004/GP/DC(L&O)/TRC/2017. He further submitted that investigation is pending.

5. Considering the submissions made on either side, as per the submission made by the learned counsel appearing for the petitioners that the petitioners and the defacto complainant is having dispute over the mortgaged property. Further, the suit in O.S.No.95 of 2016 is also pending on the files of I Additional District Judge, Thiruchirapalli for partition and another application in SA.SR.No.438 of 2015 is pending on the file of the Debt Recovery Tribunal, Madurai. In this aspect, the respondent police has sent a letter to these petitioners to appear before the Assistant Commissioner for enquiry with regard to C.No.1004/GP/DC(L&O)/TRC/2017, dated 07.11.2017. Even after completing two months, after issuing a notice, the respondent police was not registered a case as against these petitioners. The learned Government Advocate (Criminal Side) appearing for the respondent police, simply ask for adjournment, without mentioning a reason for delay in completing the enquiry.

6.Taking all the above said aspects into consideration, and having regard to the nature of offence, **this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:-**

(i) The petitioners are granted anticipatory bail in the event of arrest or on their surrender before Judicial Magistrate-I, Trichy, on or before 06.02.2018, failing which the petition shall stand dismissed automatically.

(ii) On such arrest or surrender, the petitioners are ordered to be enlarged on bail on their executing a bond for Rs.25,000/- each with two sureties for a like sum each to the satisfaction of the Judicial Magistrate-I, Trichy.

(iii) **The petitioners are directed to appear before the respondent / police daily at 10.00 a.m. until further orders.**

(iv) The petitioners shall make themselves available for interrogation as and when required by the investigation officer.

(v) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioners shall stand automatically cancelled, and the learned Magistrate / Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the



petitioners released on bail by the learned Magistrate / Trial Court themselves as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs State of Kerala [(2005) AIR SCW 5560]**.

sd/-
17/01/2018

/ TRUE COPY /

WEB COPY

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I
TRICHY
- 2 DO THROUGH THE CHIEF JUDICIAL
TRICHY
- 3 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH, TRICHY DISTRICT,
TRICHY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. CC to Mr.G.MOHANKUMAR Advocate SR.No.779

+1 CC TO Mr. R.SUNDAR , Advocate, Sr.No. 804

JAM/22/01/2018/CM-VR/ SAR 4 / 3P-7C

ORDER
IN
CRL OP(MD) No.138 of 2018
Date :17/01/2018