



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

Tuesday, the Sixteenth day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.5651 of 2019

1.RANI REETABAI,
2 SAMRAJ KUMAR,
3 SALOMON MOHAN DURAI, ... PETITIONERS / 1ST TO 3RD ACCUSED

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
TOWN POLICE STATION,
ARUPPUKOTTAI,
VIRUDHUNAGAR DISTRICT.
(CRIME NO. 52 OF 2019) ... RESPONDENT / COMPLAINANT

For Petitioners : MR.S.POORNACHANDRAN Advocate

For Respondent : MR.S.CHANDRASEKAR,
Additional Public Prosecutor

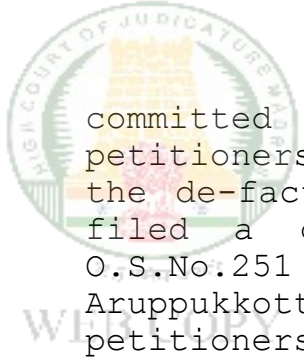
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 442 and 420 IPC, in Crime No.52 of 2019 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner is the sister-in-law of the de-facto complainant. Initially, the property was purchased by the de-facto complainant and he permitted the petitioners to accommodate and maintain the property. Thereafter, the petitioners illegally entered another rental agreement with third parties in order to create dispute over the property, for which the de-facto complainant before the respondent police registered a complaint against the petitioners.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not



committed any offence as alleged by the prosecution. Infact the petitioners had contributed to purchase the property handed over to the de-facto complainant and subsequently the de-facto complainant filed a civil suit for eviction against the petitioners in O.S.No.251 of 2018, which is pending on the file of the Sub-Court, Aruppukottai. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the State would submit that the petitioners and the defacto complainant are relatives, there was a tenancy dispute between the petitioners and the defacto complainant, initially the de-facto complainant, under the impression that the petitioners were in occupation of the premises, filed a suit against the petitioners for eviction and subsequently, the de-facto complainant came to know that the third parties have occupied the premises, for which the de-facto complainant lodged a complaint before the respondent police. Hence, he opposed to grant of anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and considering the fact that the civil dispute is already pending before the Sub Court, Arupukkottai, this Court is inclined to grant anticipatory bail to the petitioners.

6.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, Aruppukottai, on condition that the petitioners 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)the petitioners 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;

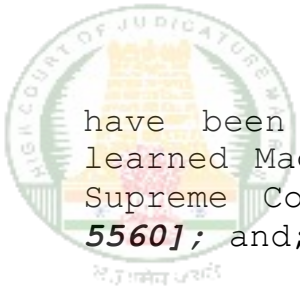
(b)the petitioners shall report before the respondent police as and when required for interrogation;

(c)the petitioners shall not tamper with evidence or witness either during investigation or trial;

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

(e)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 as if the conditions

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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;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
16/04/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE,
AURPPUKOTTAI.
2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIILLIPUTHUR.
3. THE INSPECTOR OF POLICE,
TOWN POLICE STATION,
ARUPPUKOTTAI,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to MR.S.POORANACHANDRAN, Advocate (SR-6854[I] dated 16/04/2019)

ORDER
IN
CRL OP(MD) No.5651 of 2019
Date :16/04/2019

LS/DSS
AE/JC/SAR-I/23.04.2019/3P/6C