



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI  
( Criminal Jurisdiction )  
Date : 13/06/2019

PRESENT

WEB COPY

**The Hon`ble Mr.Justice P.RAJAMANICKAM**

CRL OP(MD) . No.7932 of 2019

1. Subbaiah Pandian  
2. Mohamed Ismail  
3. Abdullah  
4. Syed Pattani  
(Wrongly Mentioned in Fir as  
S/o.Mohamed Ismaili)  
5. Abdul Kuthoosh  
6. Gubendran @ Gubesh  
7. Muthu Pandi

... Petitioners/Accused Nos.1 to 7

Vs

State Represented by  
The Inspector of Police,  
Kadayanallur Police Station,  
Tirunelveli District.  
Cr.No.217 of 2019.

... Respondent/Complainant

R.A.Rippath

... Petitioner/Intervening Petitioner

For Petitioner : M/s.S.M.A.Jinnah, Advocate.

For Respondent : Mrs.M.Anantha Devi,  
Govt.Advocate (Crl.Side).

For Intervenor : Mrs.G.K.Chitradevi, Advocate

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

PRAYER :-

For anticipatory bail in cr.no.217 of 2019 on the file of the  
respondent police.

**ORDER** : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the  
respondent police for the offences punishable under Sections 147,  
148, 294 (b), 427 & 506 (ii) of IPC, in Crime No.217 of 2019, seek  
anticipatory bail.

2. Heard both sides.

3. The learned counsel appearing for the petitioners has  
submitted that the petitioner No.1 is a landlord of the property



bearing No.189/4, Kadarmydeen Pallivasal Street, Kadyanallur, Tirunelveli District, and the defacto complainant's father took the said premises on lease by executing a registered lease deed dated 27.02.2018 and subsequently, on 24.04.2019, both the parties have executed a registered cancellation deed with regard to the lease and in the said document itself, it is specifically stated that the possession has been handed over to the first petitioner. He further submitted that after handing over the possession of the said premise to the first petitioner, the defacto complainant gave a false complaint against the petitioners herein stating that he is in possession of the said premises and damaged his shop. He further submitted that the defacto complainant has nothing to do with the said premises and hence, he prayed to grant anticipatory bail to the petitioners.

4.Per contra, the learned counsel for the Intervenor has submitted that even though the deed of cancellation of rental agreement was executed by the defacto complainant's father, the defacto complainant is in possession of the said premises as tenant and he is running a jewellery shop and the petitioners, by taking law in their hands, trespassed into the said premises and damaged the name board, shutter etc., and caused damage to the tune of Rs.21,000/- and thereafter, they locked the said premises and also welded the same. He further submitted that already, the defacto complainant has filed a civil suit against the petitioners seeking injunction not to evict him by force and in the said suit, notice has been ordered and instead of appearing in the said suit and defend the said suit, the petitioners unlawfully caused damage to the said premises and tried to evict the defacto complainant by force and therefore, he strongly opposed this petition.

5.The learned Government Advocate (Crl.Side) has adopted the arguments advanced by the learned counsel for the Intervenor and also she opposed this petition.

6.Taking into consideration the fact that as per the lease agreement dated 27.02.2018, it was only the defacto complainant's father, who took the premises for lease and subsequently on 24.04.2019, he executed a cancellation of rental agreement and in the said document itself, it is stated that the possession has also been handed over to the first petitioner, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. 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, Tenkasi, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:



(i) If the petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioners shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter, as and when required before the respondent police for interrogation.

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

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

(v) 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 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].

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

sd/-  
13/06/2019

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

TO

- 1.The Judicial Magistrate, Tenkasi,
- 2.Do-Through The Chief Judicial Magistrate,  
Thirunelveli District.
- 3.The Inspector of Police,  
Kadayanallur Police Station, Tirunelveli District.
- 4.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.M.A.JINNAH, Advocate ( SR-9665[I] dated 14/06/2019 )

+1 CC to M/s.G.K.CHITRA DEVI, Advocate ( SR-9777[I] dated 17/06/2019 )

ORDER  
IN  
CRL OP(MD) No.7932 of 2019  
Date : 13/06/2019

TK/PN/SAR.2/18.06.2019/3P/7C