



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

Friday, the Eighth day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.954 of 2019

1 P.R.SINGARAM
2 NATARAJ
3 ASHOK @ ASHOK KUMAR
4 MURUGESAN
5 UDAYA @ UDHAYAKUMAR
6 KUMAR @ RAJKUMAR
7 P.R.MANIVANNAN

... PETITIONERS / ACCUSED No. 1 to 7

Vs

STATE REP. BY,
THE INSPECTOR OF POLICE
SOMARASAMPET POLICE STATION,
TRICHY DISTRICT.
IN CR.NO.260 of 2018

... RESPONDENT / COMPLAINANT

A.MUTHIRULAYEE

... PETITIONER/3rd PARTY/
DE-FACTO COMPLAINANT
IN CRL MP (MD) No. 1142 of 2019
IN CRL OP (MD) No. 954 of 2019

For Petitioners : MR.N.R.MURUGESAN Advocate

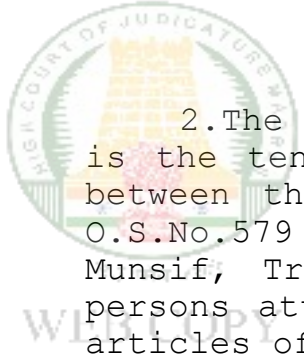
For Respondent : MR.S.CHANDRASEKAR, ADDITIONAL PUBLIC PROSECUTOR

For Intervener : M/s.S.MALAIKANI, Advocate
IN CRL MP (MD) No. 1142 of 2019
IN CRL OP (MD) No. 954 of 2019

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 offence under Sections 147, 148, 448, 294(b), 506(ii) IPC, Section 3(1) of the Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992 and Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, 2002 in Cr.No.260 of 2018 on the file of the respondent police, seek anticipatory bail.



2.The case of the prosecution is that the defacto complainant is the tenant under one Johnson Dhinakaran. There was a dispute between them, for which the defacto complainant filed a suit in O.S.No.579 of 2018 on the file of the learned Principal District Munsif, Trichy. In order to vacate the premises, these accused persons attacked the defacto complainant and damaged the household articles of the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is the neighbor of the defacto complainant's landlord. The landlord of the defacto complainant reported the petitioner about the non payment of the rent by the defacto complainant. Being a neighbor, the petitioner questioned the same, for which the husband of the defacto complainant attacked the petitioner and caused grievous injuries. Hence, the petitioner lodged a complaint in Crime No.253 of 2018 under Section 506(ii) IPC. Thereafter, in order to wreck vengeance, the defacto complainant lodged the present complainant before the respondent police.

4.The learned counsel for the intervenor would submit that the petitioner is the neighbour of the defacto complainant and a close friend of the defacto complainant's landlord. In order to vacate him from there, the petitioner and the landlord jointly attacked the defacto complainant and also damaged the household articles worth about Rs.1,00,000/-.

5.The learned Additional Public Prosecutor would submit that the investigation is pending and there are serious litigations between the petitioner and the defacto complainant.

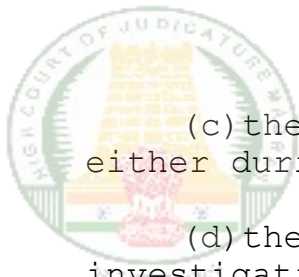
6.Considering the facts and circumstances of the case and the nature of offence, this Court is inclined to grant anticipatory bail to the petitioners.

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 Additional Mahila Court, Trichy 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 in 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 learned Judicial Magistrate concerned as and when required for interrogation;

<https://hcservices.ecourts.gov.in/hcservices/>



(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;

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(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 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/-
08/02/2019

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

TO

1 THE JUDGE,
ADDITIONAL MAHILA COURT
TRICHY

2 THE INSPECTOR OF POLICE
SOMARASAMPET POLICE STATION,
TRICHY DISTRICT.

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

+1. CC to MR.N.R.MURUGESAN Advocate SR.No.2737
+1. CC to M/s.S.MALAIKANI, Advocate SR.No.2877

ORDER
IN
CRL OP(MD) No.954 of 2019
Date :08/02/2019

MSI/VR/SAR-III/15.02.2019-3P/6C