



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

Date : 04/08/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN
CRL OP(MD). No.8015 of 2020

WEB COPY

1. Bakiyalakshmi
2. Saravanakumari
3. Arumugapandian
4. Lakshmi

... Petitioners/Accused Rank Not Known

The State rep by
The Inspector of Police,
Melapalayam Police Station,
Thirunelveli City.
Cr.No. 778 of 2020.

Vs

... Respondent/Complainant

For Petitioner : M/s.P.Muthupandi,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.778 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused No.1 to 4 apprehending arrest at the hands of the respondent police for the offences punishable under Sections 448, 294(b), 323, 379(NP) and 506(i) of IPC, in Crime No.778 of 2020, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is a tenant under the petitioners' house. The petitioners, without following due process of law, illegally evicted the de-facto complainant from her house and also caused damage to the house and criminally intimidated the de-facto complainant. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the fourth petitioner is the mother-in-law of the de-facto complainant. Due to some civil dispute pending between the parties, there was a wordy quarrel arose between them regarding sharing of the property, the de-facto complainant and her husband said to have attacked the fourth petitioner. In this regard, a counter case was also registered and the same was pending investigation.



4.The learned Government Advocate (Crl.Side) appearing for the State would submit that the de-facto complainant is a tenant and the petitioners without following due process of law illegally evicted the de-facto complainant from her house and also caused damage to the house and criminally intimidated the de-facto complainant

5.Considering the facts and circumstances of the case and also considering the fact that this is a case and case in counter and there was a civil dispute pending between the parties, I am 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, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.5, Tirunelveli, on condition that the petitioners shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) each with two common 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:

(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 have been imposed and the petitioner 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 petitioners/accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

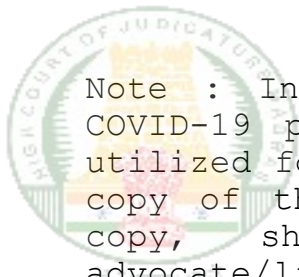
sd/-

04.08.2020

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



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

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TO

1. The Judicial Magistrate No.5, Tirunelveli.
2. Do-Through The Chief Judicial Magistrate,
Thirunelveli District.
3. The Inspector of Police,
Melapalayam Police Station,
Thirunelveli City.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER IN
CRL OP(MD) No.8015 of 2020
Date : 04/08/2020

VB (12.08.2020) 3P 5C