



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/09/2020

WEB COPY

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP (MD).No.9344 of 2020

1.Muthulakshmi
2.Vikrenthiran
3.Rajendran
4.Geetha

... Petitioners/Accused Nos.1 to 4

Vs

The State Rep. by
The Inspector of Police,
Kandavarayanpatti Police Station,
Sivagangai District.
(In Crime No.90 of 2020)

... Respondent/Complainant

For Petitioners : Mr.R.Karunanidhi, Advocate.

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

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

PRAYER :-

For an Anticipatory Bail in Crime No.90 of 2020 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A1 to A4, apprehending arrest at the hands of the respondent police for the offence punishable under sections 448, 420, 467, 468 and 506(i) of IPC, in Crime No.90 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant namely Manaleswaran had purchased a house property from one Sundaram and other legal heirs Shanmugam. The house is situated at Survey Nos.530/6, 530/5 and 530/15 at Kilamadam Village, Mahibalanpatti group, Thiruppathur Taluk, Sivagangai District. Subsequently, the defacto complainant went to the petitioner's house and asked the petitioners to vacate them from house. The petitioners had created a forged document and refused to vacate the house and threatened with dire consequence. Hence, the complaint.



3. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl. Side) appearing for the respondent.

4. The learned counsel appearing for the petitioners submitted that the petitioners had purchased the house site properties from one Shanmugam and his son Sundaram on 25.07.2001 by way of unregistered sale deed. The said Shanmugam and Sundaram had also executed a registered power of attorney in favour of the petitioners. Based on the sale deed, the possession of the above said properties were given to the petitioners on 25.07.2001 itself. In the meantime, on 07.09.2017, the petitioner had given a representation to the Sub Registrar Office, Singampunari, since one Ponnammal and others were taking efforts to register the petitioners' property in an illegal manner. He further submitted that the above said Sundaram and other legal heirs of Shanmugam had executed registered sale deed only on 20.03.2019 in favour of the defacto complainant Manaleeswaran. He further submitted that the said defacto complainant Manaleeswaran and others have been disturbing the petitioners' peaceful enjoyment of the house property and hence, the petitioners and her legal heirs has filed a suit and prayed for declaration and injunction on 16.03.2020, before the Sub-Court, Sivagangai and the same was returned for some defects. He further submitted that the respondent police has foisted this false case as against the petitioners. Hence, he seeks anticipatory bail.

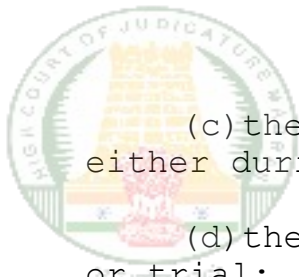
5. The learned Government Advocate (Crl. Side), on instructions, submitted that the petitioners only claiming title of the property through the unregistered sale deed. It is a civil dispute between the parties and the petitioner also filed a civil suit against the defacto complainant.

6. Considering the facts and circumstances of the case that it is only a civil dispute between the parties, I am 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 before the learned Judicial Magistrate, Thirupathur, Sivagangai District, and on their executing a bond for a sum of Rs.25,000/- (Rupees Twenty five thousand only) each with two sureties each for a like sum 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 petitioner 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 petitioner 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 accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

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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.

TO

1. THE JUDICIAL MAGISTRATE,
THIRUPATHUR, SIVAGANGAI DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE INSPECTOR OF POLICE,
KANDAVARAYANPATTI POLICE STATION,
SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.9344 of 2020

Date : 04/09/2020