



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

Date : 28/10/2020

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.11775 of 2020

1. Alagusundari
2. Arun
3. Senthil @ Senthilvelmurugan ... Petitioners/Accused No.1 to 3

Vs

State Rep.by
The Inspector of Police,
Puliyangudi Police Station,
Tirunelveli District.
(In Crime No.706 of 2020)

... Respondent/Complainant

For Petitioners: M/s.C.Mayilvahana Rajendran,
Advocate.

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

For Intervener : Mr.Mohameed Serbudeen, Advocate

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

PRAYER :- For Anticipatory Bail in Crime No.706 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A-1 to A-3 apprehending arrest at the hands of the respondent police for the offences punishable under sections 147, 294(b), 427, 448, 506(i) of IPC and Section 379(NH) of IPC, in Crime No.706 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant have purchased two shops from the first and second petitioner. On 09.10.2020, the petitioners said to have entered into the shops and forcibly evicted the defacto complainant from his shop and damaged the rice and other articles and abuse him using filthy language and threatened him with dire consequences. Hence, the complaint.



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

4. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the daughter of the first petitioner filed a suit in O.S. No.13 of 2019 before the learned District Munsif, Sivagiri for challenging the sale deed which was executed in favour of the defacto complainant and hence, the petitioners could not hand over the possession to the defacto complainant. Hence, he seek anticipatory bail.

5. The learned counsel appearing for the intervener submitted that the petitioners said to have entered into the shop of the defacto complainant and caused damage for value of Rs.65,000/- and abused him using filthy language and also made life threat to him.

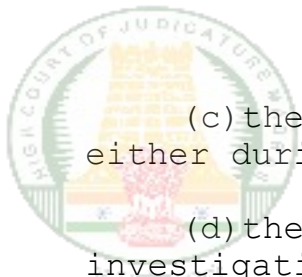
6. The learned Government Advocate (Crl. Side), on instructions, submitted that civil dispute is pending related to the subject property. He further submitted that the petitioners said to have damaged the shop and rice and other articles and caused loss to the defacto complainant for value of Rs.65,000/-.

7. Considering the fact and circumstances of the case and considering the fact that civil dispute is pending with regard to the disputed property and the gravity of the offence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. The petitioners are directed to jointly deposit a sum of Rs.75,000/- (Rupees Seventy Five Thousand Only) to the credit of Crime No.706 of 2020 before the learned Judicial Magistrate, Sivagiri, on such deposit, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of Two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Sivagiri, 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:

(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 petitioner Nos.2 & 3 shall report before the respondent police daily morning at 10.30 a.m., without fail, for a period of



(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;

WEB COPY (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/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
28/10/2020

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/ /2020
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, SIVAGIRI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
PULIYANGUDI POLICE STATION, TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.C.MAYIL VAHANA RAJENDRAN, Advocate (SR-7192[I] dated 29/10/2020)

ORDER IN
CRL OP(MD) No.11775 of 2020
Date :28/10/2020