

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Eighth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.1987 of 2021

1 LATHA [PETITIONERS/ACCUSED NO 1 TO 4]
2 PRAVEENA
3 PAVITHRA
4 SABAREESH

Vs

STATE REP.BY [RESPONDENT/COMPLAINANT]
INSPECTOR OF POLICE,
ANNUPPARPALAYAM POLICE STATION,
TIRUPPUR DISTRICT.
CR.NO.120 OF 2021.

For Petitioner : M/S. M.GURUPRASAD Advocate

For Respondent : M/S. S.KARTHIKEYAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioners, who apprehends arrest for the alleged offences under Sections 294(b), 448, 379 and 506(i) of IPC, in Crime No.120 of 2021, on the file of the respondent Police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the owner of the property and she is residing with her husband, son by name sekar. Since both of them were died and there is no one to take care of her, she went to her daughter's house. Thereafter, when she returned back to her house original documents were missing and as the petitioners are tenants in the defacto complainant's house suspecting they have stolen the documents, the defacto complainant asked them to vacate the house. Due to which the petitioners assaulted and criminally intimidated the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the first petitioner/Latha married son of the defacto complainant/Sekar, since deceased, and they lived together as husband and wife and it was a second marriage to the first petitioner. He would further submit

that the defacto complainant has handed over two documents to the petitioners and the same was returned and they are not having any other documents of the defacto complainant with them. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned additional public prosecutor would submit that the petitioners who are tenants in defacto complainant's house were instructed to vacate the house by the defacto complainant, for which the defacto complainant criminally intimidated her, that apart they have not returned the original documents of the defacto complainant. Hence, he opposed to grant anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and the fact that there was a family dispute between the petitioners and the defacto complainant and it is stated that the first petitioner is the wife of the deceased Sekar and two documents of the property was handed over to the defacto complainant, this court is inclined to grant anticipatory bail to the petitioners with stringent conditions.

6. 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 on which the order copy made ready, before the learned Judicial Magistrate No.III, Tiruppur, 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, failing which this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix his 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 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

With the above directions this criminal original petition is ordered.

-sd/-
08/03/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE-III,
TIRUPPUR.

2 THE CHIEF JUDICIAL MAGISTRATE,
TIRUPPUR [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ANNUPPARPALAYAM POLICE STATION,
TIRUPPUR DISTRICT.

+1 CC to M/S. M.GURUPRASAD Advocate on payment of necessary charges SR NO. 2966

CRL OP.1987/2021

Date :08/03/2021

MN-25/03/2021