

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.4636 of 2021

1. Nirmala
2. Gajalakshmi
3. Kasthuri
4. P.Saravanan
5. Sasikala

... Petitioners

Vs.

State Rep. by:-
The Inspector of Police,
Sholavaram Police Station,
Thiruvallur Dt.
(Crime No.147 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in the event of their arrest in Cr.No.147 of 2021 on the file of the respondent.

For Petitioners: Mr.K.Venkateswaran

For Respondent : Mr.K.Prabakar,
Addl. Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioners apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 448, 294(b), 506(i) of I.P.C., in Crime No.147 of 2021, on the file of the respondent police, and now, they have filed this petition seeking to grant anticipatory bail.

2. The case of the prosecution is that the defacto complainant has put up a house in a poramboke land and subsequently, she has sold it to the 1st petitioner and received the sale consideration. However, after receiving the sale consideration, she has failed to vacate the premises. In the said circumstances, the petitioners said to have tried to vacate them forcibly and also abused her. The 1st petitioner has also given a counter complaint in Crime No.171 of 2021. Hence, the criminal case has been registered against the petitioners. Now, apprehending arrest, the present petition has been filed.

3. The learned counsel appearing for the petitioners submitted that it is a case in counter. He would submit that the defacto complainant has received the amount and executed the sale deed and thereafter, she refused to vacate the premises. Hence, they have also given a complaint in Crime No.171 of 2021. He would submit that they are innocent persons and they are no way connected with the offence. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the defacto complainant after selling the land, has failed to vacate the premises. Hence, there is a wordy quarrel, due to which, the present complaint. It is a case in counter. He would submit that there is no bad antecedents pending against the petitioners. However, he opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration of the fact that there is a wordy quarrel in a civil dispute, it is a case in counter in Crime No.171 of 2021, the occurrence was taken place due to a wordy quarrel between the parties, and there is no bad antecedents against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

a) 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 Judicial Magistrate-II, Ponneri on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, 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:

[b] 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;

[c] the petitioners shall appear before the respondent police as and when required for interrogation;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioners shall not abscond either during investigation or trial;

[f] 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];

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

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-
09/03/2021

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-II,
PONNERI.

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

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SHOLAVARAM POLICE STATION,
THIRUVALLUR DISTRICT.

+2 CC to M/S.K.VENKATESWARAN Advocate on payment of necessary charges SR NO. 3088

WEB COPY

CRL OP.4636/2021

Date :09/03/2021

MN-15/03/2021