

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.9944 of 2021

1. Arulraj
2. Rahima

... Petitioners

Vs.

State represented by its,
The Inspector of Police,
Kottakuppam Police Station,
Villupuram District.
(Crime No.67 of 2021)

... Respondent

PRAYER: Criminal Original petition has been filed under Section 438 of Cr.P.C, prayed to enlarge the petitioner on bail in Crime No.67 of 2021 in the event of arrest on the file of the respondent Police Station.

For Petitioners : Mr.S. Ashik Ahamed

For Respondent : Mr.A. C.E. Pratap
Government Advocate (Crl side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 447, 386, and 506(i) of I.P.C in Crime No.67 of 2020, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners trespassed into the property of the defacto complainant's sister and threatened the defacto complainant and her sister with dire consequences. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the defacto complainant's sister deserted her husband Raja several years back. Hence, the said Raja married second petitioner and prepared a will in which he mentioned that the second petitioner is entitled for the scheduled mentioned property. As such the second petitioner is entitled for a share in the scheduled property. While so, the defacto complaint's sister sold a portion of the property without the knowledge of the second petitioner. Hence a suit filed by

the second petitioner in O.S.No.21 of 2021 is pending before the Additional District Court, Tindivanam. In order to evade the civil suit, the defacto complainant has filed the present complainant. He further submits that the second petitioner has filed an affidavit of undertaking that she will not interfere with the alleged property until she get appropriate order in the pending suit. Hence, he sought for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) would submit that the defacto complainant's husband Raja died. The second petitioner/A2 petitioner/A1, trespassed into the house of the defacto complainant's sister and insisted her to sign in blank papers and also threatened her with dire consequences. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5.Considering the fact that there was a civil dispute pending between the parties and the fact that the second petitioner has filed an affidavit of undertaking that he will not interfere with the alleged property until she get appropriate order in the pending suit, this Court is inclined to grant anticipatory bail to the petitioners.

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 of receipt of a copy of this order, before the learned Judicial Magistrate, Vanur on condition that each of the petitioners shall execute a separate bond for a sum of Rs.10,000/- each (Rupees Ten Thousand Only), 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 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 Court concerned 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 daily at 10.30 a.m for a period of two weeks and thereafter 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 petitioner 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

16/06/2021

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,
VANUR

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
KOTTAKUPPAM POLICE STATION,
VILLUPURAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE ADDITIONAL DISTRICT COURT,
TINDIVANAMA

CC to M/S.S.ASHIK AHAMED Advocate on payment of necessary charges

CRL OP.9944/2021

Date :16/06/2021

RVR 07/07/2021