



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Friday, the Thirtieth day of July Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.13194 of 2021

1 DHAMOTHIRAN
2 RAJKUMAR
3 SARATHI
4 KALAIVANAN

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
SEMBANARKOIL POLICE STATION,
MAYILADUTHURAI DISTRICT
(CR.NO.663/2021)

[RESPONDENT]

For Petitioner : M/S.M.VIMAL BOBBY CRIMSON Advocate

For Respondent : MR. A.GOPINATH, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 147, 148, 294(b), 352, 506(I) of I.P.C. and under Section 3(I) of TNPPDL Act, 1992 in Cr.No.663 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that one Abdul Khader is the owner of the property and is residing in France. His wife executed Power of Attorney in favour of A2 and based on that, A2 executed sale deed in favour of A1 and thereafter all the accused joined together and attempted to evict the defacto complainant who is tenant put up by the original owner of the property. The petitioners are arrayed as A1 to A4 in the case.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution. The learned counsel, on instructions, further submitted that the defacto complainant will be evicted only by following due process of law.



4.The learned Government Advocate submitted that there is no previous case as against A1 to A3 and there is one previous case as against A4.

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5.Since the learned counsel, on instructions, submitted that the defacto complainant will be evicted only by following due process of law, 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 District Munsiff Cum Judicial Magistrate at Tranquebar (Tarangambadi), Myiladuthurai District, 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 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/-

30/07/2021

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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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
TRANQUEBAR (TARANGAMBADI),
MAYILADUTHURAI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE,
NAGAPATTINAM DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
SEMBANARKOIL POLICE STATION,
MAYILADUTHURAI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.M.VIMAL BOBBY CRIMSON Advocate on payment of
necessary charges SR.No.7940

CRL OP.13194/2021

Date :30/07/2021

INBA 04/08/2021