



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twentieth day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.16127 of 2021

1 M.BALAMURUGAN

[PETITIONERS / ACCUSED]

2 JAYALAKSHMI

Vs

THE STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
ERODE NORTH POLICE STATION,
ERODE.

(CRIME NO. 434 OF 2021)

For Petitioner : M/S. T.M.MANO Advocate

For Respondent : MR.C.E.PRATAP, 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 342, 379, 380, 506(2), 406 and 420 of I.P.C in Cr.No.434 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the De-facto Complainant was living along with her younger son in his house and thereafter, the younger son had settled in America, due to which, the defacto complainant stayed along with the Petitioners/A1 & A2 herein in the house, which belonged to the husband of the defacto complainant. The petitioners are the elder son and daughter-in-law of the De-facto Complainant. Since the petitioners were not allowing her to live in that house peacefully, several legal proceedings were taken by the defacto complainant, which resulted in a series of orders passed by the judicial forum in favour of the defacto complainant, which orders were not complied with by the petitioners. Aggrieved by the act of the petitioners in not complying with the directions, the defacto complainant filed the present complainant leading to the registration of the crime against the petitioners.

3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. It is



the further submission of the learned counsel for the petitioners that several litigations were taken up between the parties, finally resulting in the filing of the complaint. It is further submitted by the learned counsel for the petitioner that against the said complaint filed by the defacto complainant the petitioner preferred Crl.O.P.No.15481 of 2021 to quash the said complaint, wherein an order of interim stay of the FIR was granted. Since stay has been granted, as the Court was satisfied that there existed a *prima facie* case, he prays for grant of anticipatory bail.

4.The learned Additional Public Prosecutor submitted that the investigation is pending in this case and there are no previous cases against the petitioners.

5. The learned counsel appearing for the intervenor submitted that inspite of orders passed in her favour permitting the defacto complainant to have her rightful accommodation in the shared household, however, the said order has not been complied with by the petitioners and hence, left with no other option, the defacto complainant has filed the present complaint and strongly opposed for grant of anticipatory bail to the petitioners.

6. Though counter contentions have been raised opposing the grant of anticipatory bail, however, what stares on the face of record is the fact that the FIR has been stayed by this Court vide order passed in Crl.O.P.No.15481/2021. That being the admitted position, this Court is of the considered view that the petitioners are entitled for grant of anticipatory bail.

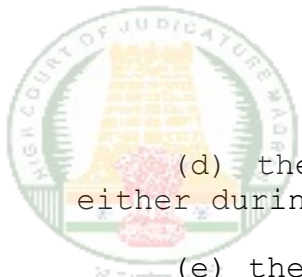
7.Accordingly, the petitioners are granted anticipatory bail and they are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate-I, Erode, on condition that 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)if the petitioners failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b)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;

(c) (i) the petitioner/A1 shall report before the respondent police daily at 10.30 a.m. until further orders;

(ii) whereas the petitioner/A2 shall report before the respondent police as when required;



(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]*; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

20/09/2021

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-I,
ERODE.

2 THE CHIEF JUDICIAL MAGISTRATE
ERODE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
ERODE NORTH POLICE STATION,
ERODE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. T.M.MANO Advocate on payment of necessary charges
SR.NO.9599

CRL OP.16127/2021

Date :20/09/2021

CSK_05/10/2021