



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Sixth day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.18738 of 2021

1 SATHIYAN [PETITIONERS / ACCUSED]
2 REVATHY
3 RAJENDRAN
4 PARVATHY
5 JAYARAJ
6 THIRUMENI

Vs

THE STATE OF TAMILNADU [RESPONDENT]
THE INSPECTOR OF POLICE,
THIRUKKANNAPURAM POLICE STATION,
THIRUKKANNAPURAM,
NAGAPATTINAM DISTRICT.
Cr.No.25 of 2021

For Petitioner : M/S.V.CHANDRASEKARAN Advocate

For Respondent : M/S. C.E.PRATAP, Govt. Advocate (CrI. Side)

For Intervenor : MR.A.S.BAALAJI Advocate

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, 120(b), 406, 420, 448, 468 & 471 of I.P.C in Cr.No.25 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the De-facto Complainant who is the owner of the property executed a power of attorney in favour of the 1st petitioner in order to maintain her property. Thereafter the 1st petitioner executed a sale deed in favour of him without the consent of the De-facto Complainant. When the De-facto complainant questioned the same, the 1st petitioner along with the other petitioners threatened her with dire consequences. Hence the



present complaint.

3. The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the 1st petitioner filed a complaint before the law enforcing agency and their complaint was not taken into account since the dispute between the parties was civil in nature. However the petitioner filed a civil suit before the District munsif Court, Nagapattinam in O.S.No.68 of 2021 and same is pending. Hence he prays for grant of anticipatory bail.

4. The learned counsel for the intervenor submitted the De-facto Complainant has inadvertently executed a power of attorney in favour of the 1st petitioner in order to maintain her property and the petitioner executed a sale deed in favour of the De-facto Complainant without her consent. Hence he vehemently opposed to grant anticipatory bail to the petitioners.

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. Considering the facts and circumstances of the case, since the dispute between the parties is civil in nature and the suit is pending before the District munsif Court, Nagapattinam, this Court is inclined to grant anticipatory bail to the petitioners.

6. 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 Additional Mahila Judicial Magistrate, Nagapattinam 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) the petitioners except A2 & A4 shall report before the respondent police daily at 10.30 a.m. until further orders; whereas the petitioners/A2 & A4 shall report before the respondent police as



and when required until further orders;

(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/-

06/10/2021

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 ADDITIONAL MAHILA
JUDICIAL MAGISTRATE, NAGAPATTINAM

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
THIRUKKANNAPURAM POLICE STATION,
THIRUKKANNAPURAM,
NAGAPATTINAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.V.CHANDRASEKARAN Advocate on payment of necessary charges SR.No.11120

CRL OP.18738/2021

Date :06/10/2021

APN 07/10/2021