



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twelfth day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice SATHI KUMAR SUKUMARA KURUP

CRIMINAL ORIGINAL PETITION No.19455 of 2021

1 GUNA @ GUNASEKARAN [PETITIONERS / ACCUSED]
2 K.GANESAN
3 K.NANDHAKUMAR

Vs

STATE REP.BY [RESPONDENT]
THE INSPECTOR OF POLICE,
THUDIYALUR POLICE STATION,
COIMBATORE RURAL,
COIMBATORE.
CR.NO.1408 OF 2021.

For Petitioner : M/S.A.E.RAVI CHANDRAN Advocate

For Respondent : MR.A.GOKULAKRISHNAN, ADDITIONAL PUBLIC PROSECUTOR

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 506(i) of IPC and Section 4 of the TN Prohibition of Harassment of Women Act, 2002, in Crime No.1408 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The prosecution case is that the petitioners herein have threatened the defacto complainant and his wife with dire consequences and demanded money illegally stating that after the sale agreement with the 2nd petitioner's wife Dhropathi, the value of the land has subsequently been increased and therefore the defacto complainant has to pay the difference of amount failing which the petitioners threatened to do away with them. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the defacto complainant has lodged a complaint with false allegations against the petitioners. He also submitted that the defacto complainant had cheated the 2nd petitioner's wife who is illiterate and got the sale deed in respect of her 1/4th share instead of 1/5th share in 5.5 acres of land and when the said fraudulent



action of the defacto complainant was questioned by the petitioners but in order to escape from this, the defacto complainant lodged the complaint.

4. The learned Additional Public Prosecutor would submit that the case was registered since there was discrepancy in regard to sale transaction in respect of property belonged to the 2nd petitioner's wife.

5. Considering the facts and circumstances of the case and also submissions made by the learned Additional Public Prosecutor, 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, No.1, Coimbatore, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (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., until further orders.

(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 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;



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

WEB COPY

-sd/-
12/10/2021

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 JUDICIAL MAGISTRATE,
NO.I, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THUDIYALUR POLICE STATION,
COIMBATORE RURAL,
COIMBATORE.

+1 CC to M/S. A.E.RAVI CHANDRAN Advocate on payment of
necessary charges SR.NO.11428

CRL OP.19455/2021

Date :12/10/2021

TA-18/10/2021