



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.No.21484 of 2021

1.P.Sasikala ... Petitioners
2.V.Palani
3.P.Keshav Kumar
4.V.Mari

Vs.

State Represented by ...Respondent
Inspector of Police
E-9, Thalambur Police Station
Chengalpattu District.
Crime No.882 of 2021.

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. praying to enlarge the petitioners on bail in the event of arrest in the hands of Respondent in Crime No.882 of 2021 pending investigation on the file of the Inspector of Police, Thalambur Police station, Chengalpattu District.

For Petitioners : Mr.M.Ganesan

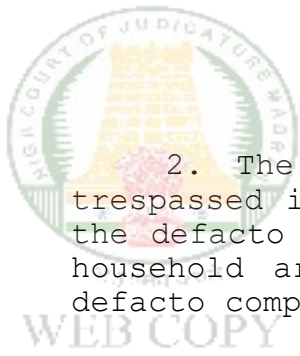
For Respondent : Mr.N.S.Suganthan

Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under **Sections 147, 148, 454, 447, 294(b), 323, 427, 506(2) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002**, in Crime No.882 of 2021, seek anticipatory bail.



2. The case of the prosecution is that the accused persons trespassed into the property of the defacto complainant and attacked the defacto complainant and his family members and also damaged the household articles. Further, they also attacked the tenant of the defacto complainant. Hence, the complaint.

3. The learned Counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case and he would submit that there is a case in Counter in Crime No.883 of 2021 against the defacto complainant and others. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) raised formal objection but admits that the injured was treated as out patient.

5. The allegations in the FIR reveals that there is a property dispute between the parties and both are claiming right over the same property. Since, the dispute is civil in nature, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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 on which the order copy is made ready, before the **learned Judicial Magistrate-I, Chengalpattu District**, on condition that the petitioners shall execute separate bonds 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, failing which, the petition for anticipatory bail shall stand dismissed and on further conditions that:

[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate 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 on every Friday 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]**.

[f] If the accused thereafter abscond/s, a fresh FIR can be registered under Section 229A IPC.

-sd/-
02/12/2021

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, CHENGALPATTU.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
E-9, THALAMBUR POLICE STATION,
CHENGALPATTU DISTRICT.

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

CRL OP.21484/2021

Date :02/12/2021

TA-15/12/2021