



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRL.O.P.No.22442 of 2021

1.Mani
2.Balu alisas Balraj
3.Sudha

... Petitioners

Versus

The State rep. by
The Inspector of Police,
Pallavaram Police Station,
Chennai - 600 043.

... Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the Petitioners/Accused on Anticipatory Bail in the event of their arrest by the Respondent Police, in Crime No.542 of 2021.

For Petitioners : Mr.Venkatesh Mahadevan

For Respondent : Mr.N.S.Suganthan
Government Advocate(Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 420 and 506(1) IPC in Crime No.542 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused persons attempted to trespass, grab the land of the defacto complainant, when the defacto complainant enquired them, abused him in filthy language and threatened him with dire consequences. Hence, the complaint.

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. He further submitted that the 2nd petitioner herein sold the property to the de-facto complainant on 29.03.2019 for an extent of 616 sq.ft of vacant land and thereafter, he has not had any contact with the de-facto complainant and hence they have been falsely implicated in this case. He further submitted that the 1st and 3rd petitioners are the witnesses to the said sale deed. Hence, he prays for grant of anticipatory bail to the petitioners.



4.The learned Government Advocate (Crl.Side) submitted that at the time of purchase of the property, the 2nd petitioner agreed to sell the remaining portion of the property but he refused and attempted to sell the property to third party without keeping the promise. He further submitted that in the year 2019, there was a sale deed which stands in the name of the de-facto complainant who purchased the property from the 2nd Petitioner with an extent of 616 sq.ft, subsequently the defacto complainant contacted with the 2nd petitioner to sell the remaining portion of the property. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. On perusal of the records, it shows that there was no agreement enclosed almost and this is a case civil in nature.

6.Considering the fact that this is a civil dispute between them and there is no previous case pending against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of their 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, Tambaram*, 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 1st and 2nd petitioners shall appear before the respondent police on every Saturday at 10.30 a.m., until further orders.

(c) the 3rd petitioner shall appear before the respondent police as and when required.

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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.

WEB COPY

-sd/-
26/11/2021

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,
TAMBARAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
PALLAVARAM POLICE STATION,
CHENNAI - 600 043.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to VENKATESH MAHADEVAN Advocate on payment of necessary charges

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Date :26/11/2021

CSK 26/11/2021