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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2021

CORAM:

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

Cr1.O.P.No.23454 of 2021

T.Nellaiappan

.. Petitioner

Vs.

State rep by
The Inspector of Police
C2, Race Course Police Station,
Coimbatore District.
Crime No.718 of 2021

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the the petitioner on bail in the event of his arrest by the respondent police in Crime No.718 of 2021 on the file of the Inspector of Police, Race Course Police Station, Coimbatore.

For Petitioner : Mr.J.Kingsly Solomon

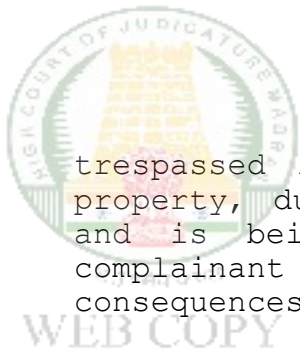
For Respondent : Mr.N.S.Suganthan
Government Advocate (Cr1.Side)

For Intervenor : Mr.K.Vasanthanayagan

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 506(ii), 509 of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act in Crime No.718 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant purchased the property from her Vendor after paying valid consideration. From the date of purchase, the defacto complainant is in possession of the property. While so, the petitioner unlawfully



trespassed into the property by break opening one portion of the property, due to which, the defacto complainant preferred complaint and is being enquired and the petitioner abused the defacto complainant by using filthy language and threatened her with dire consequences. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner has not been committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that the petitioner was cheated by his brother's daughter Ponmalar. She obtained signatures from the petitioner with ulterior motive to grab the entire property and sold the property to one Gopalan. The Said Gopalan sold the same to the defacto complainant. After knowing the same, the petitioner filed a suit in OS.No.407 of 2021 and same is pending before the I Additional District Judge, Coimbatore. As on date, the petitioner is in possession of the property in question. He further submits that the petitioner is aged about 53 years and the petitioner is having some difficulty in his eyes. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4. The learned counsel for the Intervenor submits that the petitioner trespassed into the defacto complainant's property and abused her and threatened her and caused trouble to the defacto complainant and her tenants. He further submits that all the revenue records are stands in the name of the defacto complainant and it clearly shows that the defacto complainant is in the possession of the suit property.

5. The learned Government Advocate (Crl side) submits that there was a civil dispute between the petitioner and the defacto complainant with regard to the enjoyment of the property, the present case was filed. He further submits that investigation is under progress.

5. Considering the submissions made by both counsel and also considering the fact that the dispute is civil in nature, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate-III, Coimbatore on condition that the petitioner shall execute a 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 petitioner 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 petitioner shall report before the respondent police on daily at 10.30 a.m., until further orders;

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

(d) the petitioner 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 petitioner in accordance with law as if the conditions has been imposed and the petitioner is 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.

-sd/-
07/12/2021

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.III, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE. [FOR INFORMATION]



3 THE INSPECTOR OF POLICE,
C2 RACE COURSE POLICE STATION,
COIMBATORE DISTRICT.

WEB COPY
4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.J.KINGSLY SOLOMON Advocate on payment of necessary
charges SR.NO.14211

+1 CC to MR.K.VASANTHANAYAGAN Advocate on payment of necessary
charges SR.NO.14243

CRL OP.23454/2021

Date :07/12/2021

RW 15/12/2021