



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2021

WEB COPY

CORAM:

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

Cr1.O.P.No.23714 of 2021

1. Indirabalan .. Petitioners
2. S.Palaniyappan
3. Vijayan

Vs.

The State of Tamil Nadu ...Respondent
Rep. By the Inspector of Police,
V-7, Nolambur Police Station,
Chennai 600 037.
(Crime No.809 of 2021)

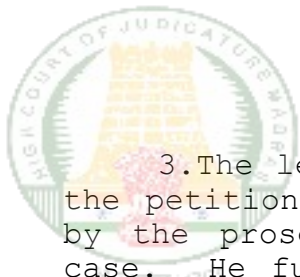
Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioners/accused 1 to 3 on bail in the event of their arrest in Crime No.809 of 2021 on the file of the The Inspector of Police, V7, Nolambur Police Station, Chennai 600 037.

For Petitioners : Mr.K.Rajan
For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioners, who apprehend arrest for the alleged offence under Sections 294B, 448, 506(i) of IPC and Section 4 of TNPWH Act in Cr.No.809 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that there was a dispute between the petitioners and the defacto complainant regarding the petitioners trespassed into the defacto complainant's house and broke open the door and changed the lock, the same was questioned by the defacto complainant, due to which, the petitioners abused her in filthy language, assaulted her and also criminally intimidated her. Hence, the complaint.



3.The learned counsel appearing for the petitioners submits that the petitioners have not been committed any such offence as alleged by the prosecution and they have been falsely implicated in this case. He further submits that the first and second petitioners are the tenants of the defacto complainant's property and on 24.01.2021, the defacto complainant along with some rowdy element have made an attempt to evict and disposes the petitioners from the said rental premises in which, the first petitioner lodged a complainant and the first and second petitioners also filed a Civil suit as against the said defacto complainant and her husband before the District Munsif Court, Ambattur in OS.Nos.47 and 48 of 2021 respectively. He further submits that as a counter blast to the petitioner's complaint dated 24.01.2021, the defacto complainant lodged a false complaint as against the petitioners. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl side) submits that it was purely civil dispute. He further submits that there was a case in counter. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the submissions made by both counsel and also considering the fact that there was a case in counter, 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 Ambattur** on condition that each of the petitioners shall execute separate bonds 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 petitioners shall report before the respondent police on every Friday at 10.30 a.m for a period of four weeks and thereafter as and when required for interrogation;**

(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.

-sd/-
10/12/2021

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,
AMBATTUR, THIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
V-7, NOLAMBUR POLICE STATION,
CHENNAI-600037.

+1 CC to M/S. K.RAJAN Advocate on payment of necessary charges
SR.NO.14670

CRL OP.23714/2021

Date :10/12/2021

TA-20/12/2021