



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 21/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

WEB COPY

CRL OP(MD). No.2487 of 2021

1.Thaiivanai Rasu
2.Muthu
3.Seethalakshmi
4.Premkumar

... Petitioners/Accused

Vs

The State rep.by,
The Sub Inspector of Police,
Nerkuppai Police Station, Sivagangai District.
In Crime No.9 of 2021.

... Respondent/Complainant

For Petitioners : M/s.S.Mahalakshmi, Advocate.

For Respondent : Mr.T.Senthilkumar,
Government Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-For Anticipatory Bail in Crime No.9 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 427, 379 and 506(i) I.P.C, in Crime No.9 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the owner of the house and the petitioners are the tenants. When the defacto complainant asked the petitioners to vacate the house, there was a dispute between themselves. The petitioners criminally intimidated the defacto complainant with dire consequences. Hence, the complaint.

3.Considering the nature of offence, this Court by order dated 30.03.2021 referred the matter to the Mediation Centre for amicable settlement. Though the petitioners called the defacto complainant for settlement before the Mediation Centre, the defacto complainant has not shown any interest for the same.

4.The learned Additional Public Prosecutor appearing for the respondent police has produced the photograph and also stated that the petitioners have damaged the tiles to the tune of Rs.10,000/-.

<https://hcservices.courtsofmadras.gov.in/hcservices/>



5. On a perusal of photograph shows that no such occurrence had taken place.

6. Considering the facts and circumstances of the case, the nature of allegation levelled against the petitioners and the relationship of the petitioners and the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Singampuneri, Sivangangai District, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned 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 learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b) the petitioners shall report before the respondent police as and when required for interrogation.

(c) the petitioners shall not tamper with the 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/ petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
21/09/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE JUDICIAL MAGISTRATE,
SINGAMPUNERI, SIVAGANGAI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGA DISTRICT.
- 3 THE SUB INSPECTOR OF POLICE
NERKUPPAI POLICE STATION, SIVAGANGAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.2487 of 2021
Date :21/09/2021

MSA
MK/VR/SAR.I/29.09.2021/3P/5C