



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 15/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.3957 of 2021

Kumaragurubaran @ Kumaraguru ... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Thiruneelakudi Police Station,
Thanjavur District.
Crime No.73 of 2021

... Respondent/Complainant

For Petitioner : Mr.S.Prabha,
Advocate.

For Respondent : Mr.R.Srinivasan,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.73 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as sole accused, apprehending arrest at the hands of the respondent Police for the offence punishable under Sections 417, 420, 468 and 506(ii) I.P.C., in Crime No.73 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is the close relative of the defacto complainant's husband and the defacto complainant leased out some land and he had sub leased those lands and obtained all the crop benefits issued by the Government.

3.The learned counsel for the petitioner would submit tthat he never committed any offence as alleged by the respondent police. Due to family dispute, the defacto complainant preferred this complaint and being her husband relative all the facts are known to her. He is an innocent and he is no way connected withy any occurrence.

4.The learned Government Advocate (criminal side) would submit
<https://hservices.echips.gov.in/hservices/> complainant is a lady, she is having some property



from her husband. The husband of the defacto complainant leased out the property to the petitioner and subsequently, he acquired the land. Thereafter, he never paid any amount and further the petitioner and his henchman threatened the defacto complainant and encroached the property.

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5. Considering the rival submissions and the perusal of materials, it is seen the defacto complainant is a widow lady, had entrusted her husband's property to the petitioner, who is a relative of her husband and to lease out the property and on the promise that the petitioner would make regular payment on the yield from the property. When the defacto complainant wants to retrieve the land from him, she made a visit to the property and that the petitioner threatened and abused and further chase away the defacto complainant, who is the widow lady. The petitioner is attempting to grab the property and denied the defacto complainant, who is a widow lady over the rightful ownership. It is seen that the defacto complainant had entrusted and thereafter, the dispute arose between them. Further the case has been registered under Section 156(3) Cr.P.C. Considering the submission made by both the parties, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned District Munsif cum Judicial Magistrate, Thiruvidadaimaruthur, Thanjavur District, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

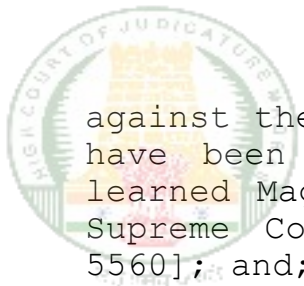
(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation;

(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 District Magistrate 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;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

15/03/2021

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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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
THIRUVIDAIMARUTHUR, THANJAVUR DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
THIRUNEELAKUDI POLICE STATION,
THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+3 CC to M/s.S.PRABHA, Advocate (SR-2133[I] dated 16/03/2021)

ORDER

IN

CRL OP(MD) No.3957 of 2021

Date :15/03/2021

LS

MS/VR/SAR-1/18.03.2021/3P.8C