



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

Date : 30/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD)No.4457 of 2021

K.Natchi Muthu

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Ariyamangalam Police Station,
Trichy District.
Crime No.197/2021.

... Respondent/Complainant

For Petitioner : Mr.B.Janarth Kumar,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

For Defacto
complainant : Mr.B.Jameel Arasu, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime no. 197 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323 and 506(i) IPC in Crime No.197 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the defacto complainant are relatives and there is some civil dispute between them, due to which, the petitioner herein abused the defacto complainant. Hence, the complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioner.



4.The learned counsel appearing for the defacto complainant submitted that the defacto complainant is an Advocate and she is having right over the property.

5.The learned Government Advocate (Crl. Side), appearing for the respondent police submitted that there is some civil dispute between the parties and the investigation is pending.

6.The dispute between the petitioner and the defacto complainant is that who has to enjoy the property, which was originally belonged to the mother of one Yogammal, who is the petitioner's wife. The mother of the said Yogammal had given settlement deed in favour of her and the same was registered in Doc. No.1037 of 2010 before the Sub Registrar Office, Trichy. The contention of the defacto complainant is that the grand mother of the defacto complainant settled the entire property in favour of her father, who is the brother the said Yogammal. After demise of her father, the petitioner herein taken the property. It is further seen that there is also a complaint against the defacto complainant in crime No.368 of 2018 and there is also civil suit pending between the parties.

7.In view of the above, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

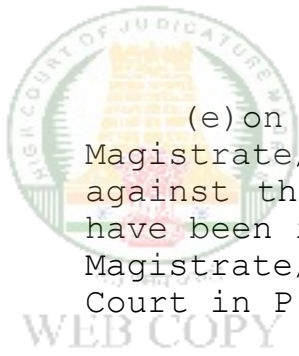
8.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the Judicial Magistrate Court No.IV, Trichy, on condition that the petitioner shall execute a bond for a sum 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 appear before the respondent Police 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 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;

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

sd/-
30/03/2021

/ 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 No.IV, TRICHY.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE,
ARIYAMANGALAM POLICE STATION,
TRICHY DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.B.JANARTH KUMAR Advocate SR.No.2869

ORDER
IN
CRL OP(MD) No.4457 of 2021
Date : 30/03/2021

GNS
TK/JC/SAR.3/08.04.2021/3P/6C