



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/04/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.5211 of 2021

1. Arokiyasamy
2. Periyamayagam
3. Santhanam

... Petitioners/Accused No.1 to 3

Vs

The State Rep. By its
The Inspector of Police,
Thogamalai Police Station,
Karur District.
(Crime No. 106 of 2021)

... Respondent/Complainant

For Petitioners: Mr.Jeyakumaran J,
Advocate.

For Respondent : M/s.M.Anandha Devi,
Government Advocate (Crl.Side)

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

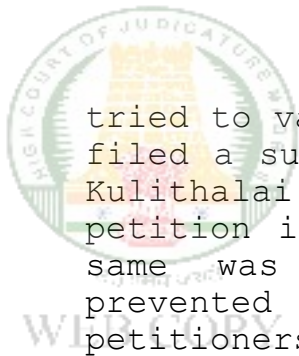
PRAYER :-

For Anticipatory Bail in Crime No.106 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as Accused Nos.1 to 3, apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 342, 294(b) and 506(i) of IPC, in Crime No.106 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is a tenant under the petitioners 1 and 2. when the petitioners



tried to vacate the defacto complainant, the defacto complainant has filed a suit in O.S.No.50 of 2021, on the file of the Civil Court, Kulithalai and the same is pending. Thereafter, he has filed a writ petition in W.P.(MD).No.5672 of 2021 for police protection and the same was disposed on 15.03.2021. Thereafter, the petitioner prevented the defacto complainant doing his business. The petitioners said to have abused the defacto complainant by using filthy language and also threatened him with Aruval. Hence, the present complaint.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Hence, he prayed for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. Side) appearing for the respondent Police submitted that due to dispute with regard to payment of rent, the occurrence said to have taken place.

5.Considering the facts and circumstances of the case and also considering the fact that due to dispute with regard to payment of rent, the occurrence said to have taken place and there is no other serious allegations against the petitioners, 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 before the learned Judicial Magistrate No.I, Kulithalai, within a period of fifteen days from the date of receipt of a copy of this order, on their executing a bond 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 said Magistrate 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 Magistrate 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 daily at 10.30 a.m for a period of two 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]**.

[f]If the accused/petitioners thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
22/04/2021

/ 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.I,
KULITHALAI, KARUR.
 2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
 3. THE INSPECTOR OF POLICE,
THOGAMALAI POLICE STATION,
KARUR DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.JEYAKUMARAN J Advocate SR.No.3343

ORDER
IN
CRL OP(MD) No.5211 of 2021
Date :22/04/2021