



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/04/2021

WEB COPY

PRESENT

The Hon'ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.5568 of 2021

1.Pandithurai
2.Moorthy @ Krishnamoorthy
3.Ramani Kumar @ Ramani
4.Ranjithkumar @ Ranjith
5.Gowri
6.Jennifa @ Jenni
7.Selvam

... Petitioners/A1 to A7

Vs

The State rep. by
The Inspector of Police,
Natham Police Station,
Dindigul District.
Crime No.200/2021.

... Respondent/Complainant

For Petitioner : Mr.Sathya Chithambaram.S.,
Advocate.

For Respondent : Mr.M.Ganesan,
Government Advocate (Criminal Side)

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

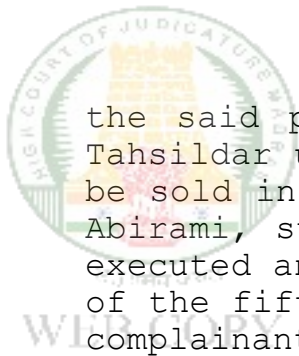
PRAYER :-

For anticipatory Bail in Crime No. 200 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 294(b), 427, 448, 506(ii) and 379 IPC in Crime No.200 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant said to have purchased the property in survey No.466/27 situated at Melametupatti Village, Natham Taluk, Dindigul District for a sum of Rs.1,50,000/- from Abirami through unregistered sale deed, since



the said property was given in favour of Abirami's father by the Tahsildar under free house scheme during the year 2008, which cannot be sold in favour of any one till the period of 30 years. The said Abirami, suppressing the sale in favour of the defacto complainant, executed another sale deed in respect of the same property in favour of the fifth accused. On coming to know about the same, the defacto complainant filed a suit in O.S.No.35 of 2019 before the learned District Munsif, Natham against the fifth accused and the above said Abirami. During pendency of the above said suit, on 26.03.2021, at about 09.00 pm., all the accused persons trespassed into the house of the defacto complainant and abused her in filthy language and also criminally intimidated her. That apart, on 27.03.2021, at about 09.00 am., all the accused persons trespassed into the house of the defacto complainant and damaged the household articles, worth about, Rs.2,00,000/-. Hence, the complaint.

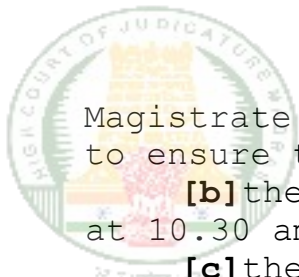
3.The learned counsel for the petitioners submitted that it is a false case. In fact the fifth accused purchased the property in dispute from Abirami through registered sale deed on 19.02.2019 and the learned counsel for the petitioners also produced the copy of the sale deed and copy of the dismissal order in an injunction petition in I.A.No.67 of 2019 in O.S.No.35 of 2019 in support of his case.

4.The learned Government Advocate(Criminal side) submitted that the investigation is pending.

5.Perusal of the materials produced before this Court shows that one Abirami sold the property in dispute to the defacto complainant through unregistered sale deed and to the fifth accused through registered sale deed. It is also seen that a suit in O.S.No.35 of 2019 is pending. In the meantime, the alleged occurrence happened on 26.03.2021. Considering the nature of the dispute, this Court is inclined to grant anticipatory bail to the petitioners with a condition that the petitioners shall jointly deposit a sum of Rs.1,00,000/- to the credit of crime No.200 of 2021 before the learned District Munsif cum Judicial Magistrate, Natham, Dindigul District, without prejudice to their contention.

6.After depositing the aforesaid amount, 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 District Munsif cum Judicial Magistrate, Natham, Dindigul District on condition that the petitioner shall execute 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 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



Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b]the petitioners shall report before respondent police daily at 10.30 am., until further orders.

[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 thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

26/04/2021

/ 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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
NATHAM, DINDIGUL DISTRICT.
2. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
3. THE INSPECTOR OF POLICE,
NATHAM POLICE STATION, DINDIGUL DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL OP(MD) No.5568 of 2021

Date :26/04/2021

GNS

SRS/PN/SAR-II/13.05.2021/3P/5C

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