



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

Date : 03/08/2021

PRESENT

The Hon'ble Mr.Justice B.PUGALENDHI

CRL OP (MD) . No.6967 of 2021

1. S.Natchathiram
2. Shanmuga Rajeswaran ... Petitioners/Accused No.1&2

Vs

The State Rep. by,
The Inspector of Police,
Othakadai Police Station,
Madurai .
(Crime No.78 of 2021).

... Respondent/Complainant

For Petitioners : Mr.Niranjana.S.Kumar,
Advocate.
For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

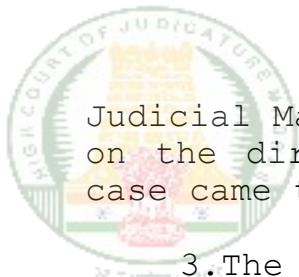
PRAYER :-

For Anticipatory Bail in Crime No.78 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 offences punishable under Sections 452 and 379 of I.P.C., in Crime No.78 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that there is a dispute between the petitioners/landlord and the tenant/defacto complainant. The petitioners have leased a house to the defacto complainant at Othakadai. The defacto complainant had left the house in the month of March 2019. When he returned, he found that the household articles in the house were missing. Therefore, he lodged a complaint before the respondent police but the respondent police did not register the case. Hence, he filed an application before the learned



Judicial Magistrate, Melur under Section 156(3) of Cr.P.C. and based on the directions of the learned Judicial magistrate, the present case came to be registered.

3.The learned counsel for the petitioners submitted that the petitioners are the owners of the property and the defacto complainant/tenant already vacated the premises. However, he is having dispute with the petitioners/landlord and based on the same, he lodged the present complaint.

4.The learned Government Advocate (Crl. Side) opposed this petition on the ground that the investigation is at the preliminary stage.

5.Considering the facts and circumstances of the case, the petitioners being the owners of the property and the dispute is between the landlord and tenant, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, 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 Judicial Magistrate, Melur, on condition that the petitioners 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 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 Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

[b]the second petitioner shall report before the respondent police, daily at 10.30 a.m., until further orders and the first petitioner shall report before the respondent 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 thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
03/08/2021

WEB COPY

/ 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,
MELUR, MADURAI DISTRICT.
 2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
 3. THE INSPECTOR OF POLICE,
OTHAKADAI POLICE STATION,
MADURAI.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1. CC to Mr.NIRANJAN.S.KUMAR Advocate SR.No.5072, Date 04.08.2021.

ORDER
IN
CRL OP (MD) No.6967 of 2021
Date :03/08/2021

ias
USK/PN/SAR-III : 09/08/2021 : 3P/6C

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