



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/07/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.9174 of 2021

1.Ranjith @ Ranjith Kumar
2.Santhosh @ Santhosh Kumar
3.Kailasam @ Kailash Kumar ... Petitioners/Accused Nos.1 to 3

Vs

The State Represented by
The Inspector of Police,
Alagappapuram Police Station,
Sivagangai District.
Crime No.127 of 2021 ... Respondent/Complainant

For Petitioner : Mr.A.Balaji,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.127/2021 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, 148, 294(b), 448, 427, 506(ii) & 379 IPC r/w Section 4 of the
Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime
No.127 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant
purchased a property in survey No.9/1B through unregistered sale
deed from one Janagi. There was a old house in the property. Since
it was damaged, she demolished it and made arrangements for
constructing a house. On 03.07.2021 she offered Bhoomi Pooja at
about 10.00 am. At about 05.00 pm., on the same day, the accused had
illegally entered in the above said property and damaged the thorn
fence. When she questioned about the same, the accused scolded her



in filthy language and made criminal intimidation with spade and crowbar. The value of the damaged articles is Rs.30,000/-. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution.

4.The learned Government Advocate(Crl.side) appearing for the respondent police opposed this petition on the ground that investigation is pending.

5.It appears that the defacto complainant and the accused are fighting for a property, for which apparently the defacto complainant claims title through an unregistered sale deed. Al claims title on the basis of sale deed, which came into existence very recently on 23.06.2021. He also produced copies of sale deed dated 21.01.2009 and copy of the patta dated 23.02.2020. Apparently, there is a property dispute in connection with claim of title. This issue can be resolve only by the Civil Court. This Court is required to consider whether custodial interrogation of the petitioners is necessary or not to complete the investigation. Since the issue has to be resolved through documentary and oral evidence, this Court finds that custodial interrogation of the petitioners is not necessary. Therefore, this Court is inclined to grant anticipatory bail to the petitioners subject to the condition that the petitioner shall deposit a sum of Rs.30,000/-, without prejudice to their defence, to the credit of Cr.No.127 of 2021 before the learned Judicial Magistrate, Karaikudi and the said amount to be disbursed to the victim under the provisions of victim's compensation on the basis of the merits of the case.

6.On such deposit, 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, Karaikudi, 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 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/-

12/07/2021

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/ /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,
KARAIKUDI.

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

3.THE INSPECTOR OF POLICE,
ALAGAPPAPURAM POLICE STATION,
SIVAGANGAI DISTRICT.

4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to Mr.A.BALAJI Advocate SR.No. 4550

ORDER

IN

CRL OP(MD) No.9174 of 2021

Date :12/07/2021

GNS

SS/JC/SAR-III/14.07.2021 :3P/6C