



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/07/2021

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PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.9352 of 2021

1. Rameshbabu

2. Yasothai

... Petitioners/Accused No.1 & 2

Vs

The State Rep. by,
The Inspector of Police,
Somanathapuram Police Station,
Sivagangai District.
(Crime No.70 of 2021).

... Respondent/Complainant

For Petitioners : Mr.S.Kameswaran,
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. 70 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 294(b), 506(i) IPC in Crime No.70 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is owning a complex with 16 shops namely, "Little Rose". One Ramesh is a tenant under the defacto complainant for the past five years and he is running pawnshop in the name Matha Pawnshop. He paid Rs.50,000/- as advance and Rs.3,000/- as rent. The defacto complainant is now making arrangements for construction of super market in the present complex. Therefore, he asked all the tenants to vacate the premises. 15 tenants vacated their shops. The first petitioner alone is not vacating. In this regard, on 01.07.2021 at about 10.00 am., the defacto complainant asked the first petitioner to vacate the shop. At that time, the petitioners and five others scolded him in filthy language and stated that they entered as tenant only with a view to grab the property and they also made



criminal intimidation. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and even as per the admitted case of the prosecution that the petitioners are tenants in the property. In this regard, the first petitioner filed a suit in O.S.No.64 of 2021 before the learned District Munsif, Karaikudi for the relief of permanent injunction restraining the respondent/defacto complainant to interfere his possession and enjoyment of the property unless due process of law. Therefore, he seeks anticipatory bail to the petitioner.

4.The learned Government Advocate(Crl.side) appearing for the respondent police opposed this petition on the ground that investigation is not completed.

5.It is seen that the issue involved in this case is dispute between the land-lord and the tenant. This is purely civil dispute. Main allegation is that when the defacto complainant wanted the accused to vacate, they said to have criminally intimidated. Therefore, 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, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Karaikudi, Sivagangai District, 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:

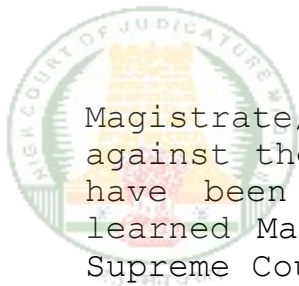
[a]the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b]the first petitioner shall report before respondent police daily at 10.30 am., until further orders and the second petitioner shall report before the respondent police as and when required.

[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]**.

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

sd/-

15/07/2021

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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,
SIVAGANGAI DISTRICT.
- 2.-DO- THRO' THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
SOMANATHAPURAM POLICE STATION,
SIVAGANGAI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.9352 of 2021

Date :15/07/2021

GNS

RT/JC/SAR-I/20.07.2021/3P/5C