



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

Date : 28/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.12417 of 2021

1.N.Ramanathan

2.N.Boominathan

3.N.Arumugam

4.Sornalingam

5.Subramanian ... Petitioners/Accused

Vs

The state represented by
The Inspector of Police,
Devakottai Town Police Station,
Devakottai,
Cr.No.not known of 2021. ... Respondent/Complainant

For Petitioner : M/s.Indrani,
for Mr.M.Shakul Hameed, 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. Not known 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), 447 and 506(2) IPC in Crime No.not known of 2021, seek
anticipatory bail.



2. The case of the prosecution is that there was a civil dispute between the petitioners and the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioners would that the petitioners are innocents and they have been falsely implicated in this case. He would further submit that the petitioner Nos.1 to 3 are in possession and enjoyment of the property from the year 2005, however, the defacto complainant is illegally trying to vacate the petitioners from the property. In this regard, the petitioners have also sent a detailed representation to the Superintendent of Police, Sivagangai and Deputy Superintendent of Police, Devakottai on 21.08.2021. On knowing about the above said representation, the defacto complainant gave a false complaint against these petitioners.

4. The learned Government Advocate (Crl.side) appearing for the respondent police submitted that the originally, the complaint was lodged before Devakottai Police Station on 16.08.2021 by the defacto complainant and the same has been forwarded to the District Crime Branch on 23.08.2021. Subsequently, another complaint lodged by the defacto complainant before the Superintendent of Police was forwarded to the respondent police in the month of September 2021. Therefore, the present case has been registered against these petitioners in Crime No.467 of 2021.

5. Considering the facts and circumstances of the case, the nature of allegations against the petitioners and also the fact that it is a civil dispute, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Devakottai, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b) the petitioners shall report before the respondent police as and when required.

(c) the petitioners shall not tamper with the evidence or
<https://hseviceports.gov.in/hsevice> 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]***; and;

(f) if the accused/ petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

28/09/2021

/ 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,
DEVAKOTTAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
DEVAKOTTAI TOWN POLICE STATION, DEVAKOTTAI.
- 4 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, SIVAGANGAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.12417 of 2021

Date : 28/09/2021

ssb

SS/VR/SAR-II/08.10.2021 : 3P/6C

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