



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

Date : 09/09/2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.12801 of 2021

1. Kamayammal,
2. Saroja,
3. Ponnammal,
4. Mariyammal,
5. Ponnuchamy,
6. Arul Pandiyan,
7. Varatharaju,
8. Veerachamy @ Veera, ... Petitioners/Accused Nos.1 to 8

Vs

State rep by
The Inspector of Police,
Guzilampaarai Police Station,
Dindigul District. ... Respondent/Complainant

For Petitioner : M/s. Senthil Kumaraiah.J.,
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.612 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 to A8, who apprehend arrest at the hands of the Respondent Police, for the offence punishable under Sections



147, 294(b), 323, 506(ii) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, 2002, in Crime No.612 of 2021, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant's husband sold the suit property to several persons. In the meanwhile, the accused persons filed a Civil Suit in O.S.No.133 of 2021 before the Sub Court, Vendasandur and on 11.08.2021, they have obtained an order of interim injunction in I.A.No.150 of 2021, restraining the defacto complainant and their agents not to interfere with their peaceful possession of the suit property. On 21.08.2021, at about 3.30 p.m., all the accused persons came to the suit property and threatened the defacto complainant's husband and subsequent purchasers to vacate the suit property. They also attacked him with hands. Hence, the complaint.

3. The learned counsel for the petitioners submitted that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. In fact, the petitioners 1 to 4 herein are the owners of the suit property and therefore, they filed the suit before the Sub Court, Vendasandur, where, they got interim injunction against the defacto complainant, due to which, this false complaint has been lodged against them. Hence, he prayed for grant of anticipatory bail.

4. The learned Government Advocate (Crl. Side) submits that the investigation is yet to be completed. He further submits that the petitioners are not having any previous case.

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

6. Accordingly, the Criminal Original Petition is ordered. The petitioners are directed 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, Vendasandur, on condition that they 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 Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioners shall report before the respondent police daily at 10.30 a.m. 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/-
09/09/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

OGY

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 learned Judicial Magistrate, Veda sandur.
2. Do-Through The Chief Judicial Magistrate,
Dindugal District.
3. The Inspector of Police,
Guzilampaarai Police Station,
Dindigul District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to Mr.Senthil Kumaraiah.J., Advocate SR.No. 6142

ORDER IN
CRL OP(MD) No.12801 of 2021
Date : 09/09/2021

TR/SKN/SAR-III(20.09.2021) 3P 6C

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