



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 09/09/2021
PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.13249 of 2021

Ramapandian

... Petitioner/Accused (Sole)

Vs

The State rep.by,
The Inspector of Police,
Vasudevanallur Police Station,
Tenkasi District.
Crime No.229 of 2021.

... Respondent/Complainant

For Petitioner : MR.M.Ramesh, Advocate.

For Respondent : Mr.T.Senthilkumar,
Government Advocate (Crl.Side)

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

PRAYER :-For Anticipatory Bail in Crime No.229 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 448, 294(b), 323 and 506(i) I.P.C. in Crime No.229 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant leased out his property measuring 8 ½ Acres of lemon garden to the petitioner for a period of one year from 27.07.2020 to 26.07.2021. The petitioner did not hand over the property after the lease period. When the defacto complainant asked the possession of the property, the petitioner trespassed into the garden and threatened him with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioner submits that due to shortage of rainfall, the petitioner could not get the yield during the season. Therefore, he requested the defacto complainant to extend the lease period to harvest the fruits. However, the defacto complainant denied the same and lodged a false complaint.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the dispute is between the lessee and the complainant. Hence, the arrest of the petitioner is not warranted.



5.Considering the facts and circumstances of the case, the fact that the issue is between the lessee and the lessor, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Sivagiri, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a)the petitioner 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 petitioner shall report before the respondent police as and when required for interrogation.

(c)the petitioner shall not tamper with the evidence or witness either during investigation or trial;

(d)the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/ petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

09/09/2021

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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,
SIVAGIRI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE
VASUDEVANALLUR POLICE STATION, TENKASI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.13249 of 2021

Date :09/09/2021

IAS

MK/VR/SAR.I/16.09.2021/3P/5C