



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/11/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD).No.15621 of 2021

1. Soundaram
2. Pavun
3. Ajith Kumar

... Petitioners/A1 to A3

Vs.

State rep.by
The Inspector of Police,
Natham Police Station,
Natham,
Dindigul District.
(Crime No.626 of 2021).

... Respondent/Complainant

For Petitioners: M/s.Arjun.S., Advocate.

For Respondent : M/s.P.Kottaichamy,
Government Advocate (Crl.Side)

For Intervenor : M/s.N.Anandkumar, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.626 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 447, 506(i) IPC, in Crime No.626 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is a senior citizen and lead her life with Government Old Age Pension. She was married with one Rangasamy, who died in the year 2009 and she has no issue. When she lived alone in her house,



which is situated at Natham, the petitioners trespassed into the de-facto complainant's house and tried to forcibly throw out the de-facto complainant from her house and also threatened her and gave the said house to them otherwise kill her. Hence, she lodged a complaint against the petitioners and the same was closed by the respondent police. Thereafter, she filed a petition under Section 156(3) Cr.P.C. before the learned Judicial Magistrate, Natham. Thereafter, the present FIR has been registered.

3.The learned counsel for the petitioners submitted that the first petitioner is none other than the own elder sister's son of the de-facto complainant. The de-facto complainant has no issues, therefore she adopted the first petitioner and also took care of him and arranged the marriage. Furthermore, in all the documents of the first petitioner, like Aadhar Card, Voter ID, Ration Card, which were issued by the Government, his father's name was shown as Ranagasamy, who is the husband of the de-facto complainant and the de-facto complainant is shown as the mother. The first petitioner got two male children and his first son got love marriage with another community girl. Therefore, the de-facto complainant and the petitioners closed his contact. After some years, the petitioners re-united with his son. Therefore, the de-facto complainant did not like the petitioner's activities. Therefore, a false case has been foisted.

4.Though this Court by order dated 21.10.2021, referred the matter to Mediation and Conciliation Centre, attached to this Bench, no effective steps have been taken, in view of the present situation it appears that the first petitioner, claiming to be the adopted son of the de-facto complainant, attempted to grab the property of the de-facto complainant. She is aged about 71 years and she is leading her life alone by receiving the pension.

5.At this stage, the learned counsel for the petitioners submitted that the petitioners will not disturb the peaceful possession of the de-facto complainant's property and they will not indulge in any offence and cause any disturbance to the de-facto complainant and they have also filed an affidavit to that effect.

6.Considering the facts and circumstances of the case and considering the affidavit filed by the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

7.Accordingly, this criminal original petition is allowed and 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, Natham, Dindigul District, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 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 Aadhaar 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 the 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/-
01/11/2021

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

vsd

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,
NATHAM, DINDIGUL DISTRICT.

2. -DO- THROUGH
<https://hcservices.ecourts.gov.in/hcservices/>
THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.



3. THE INSPECTOR OF POLICE,
NATHAM POLICE STATION,
NATHAM,
DINDIGUL DISTRICT.

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

ORDER
IN
CRL OP(MD) No.15621 of 2021
Date :01/11/2021

SP/PN/SAR II/17/11/2021/4P/5C