



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

Date : 05/01/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.15891 of 2020

1.T.Bagavathiappan
2.Stanley @ Algi Stanley

... Petitioners/Accused
No.1 and 2

Vs

The State rep.by
The Sub Inspector of Police,
Anjugramam Police Station,
Kanyakumari District.
Crime No.560 of 2020

... Respondent/Complainant

For Petitioners : Mr.S.Saravanakumar,
Advocate.

For Respondent : Mr.M.V.Chandrasekaran,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.560 of 2020 on the file of
the respondent police.

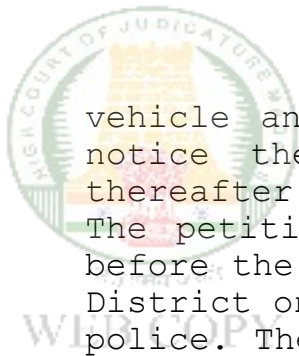
ORDER : The Court made the following order :-

The petitioners/A1 and A2, who apprehend arrest at the hands of
the respondent police for the offences punishable under Sections
341, 323, 342, 294(b), 364(A) and 506(ii) of IPC seek anticipatory
bail.

2.The case of the prosecution is that the defacto complainant
Sathishkumar lodged a complaint to the respondent on 17.12.2020
stating that the first petitioner was having a poultry shed in the
Valliyor Panchayat Union and the defacto complainant has taken
the poultry shed for rent and he had also paid an advance of
Rs.3,00,000/- and he agreed to pay a monthly rent of Rs. 13,750/-
and he has paid a sum of Rs.1,65,000/- as rent for one year. These
payments were made in the month of July 2020. The tenancy agreement
was also entered between the defacto complainant and the first

and cancel
was cancel

<https://hcservicecenters.gov.in/hcservicecenters>



vehicle and thereafter registered the above case. On receipt of notice the CSR No. 513 of 2020 was given on 08.12.2020 and thereafter First Information Report was registered on 17.12.2020. The petitioner had filed a petition under Section 99 of Cr.P.C before the learned Judicial Magistrate No.II, Nagercoil, Kanyakumari District on 10.12.2020 since the vehicle was taken by the respondent police. The vehicle taken by the respondent was not seized and the property was not produced before the concerned court. He has also filed typed set of papers in support of his contention.

4. The learned Government Advocate(Crl.Side) would submit that on the date of occurrence the defacto complainant and others lodged complaint before the respondent and enquiry was conducted in CSR No. 513 of 2020 and after investigation First Information Report was registered on 17.12.2020. The petitioners are using the lease amount of the defacto complainant after cancelling the lease deed. The petitioners are using the lease amount of the defacto complainant after cancelling the lease deed. On 29.09.2020 the first petitioner had got a house with the help of the lease amount of the defacto complainant. The defacto complainant had borrowed money from others and he had to settle his problems and for medical expenses of his wife he needed some money. The defacto complainant had explained the first petitioner's wife about his financial need and the first petitioner's wife had voluntarily given gold chain to the defacto complainant to help him and his wife. Taking advantage of the situation the petitioners created a scene as if the defacto complainant had forcibly taken the gold jewels and abused him and also attacked him with stick and caused injuries. Further in this case the defacto complainant was forcibly taken in the jeep and kept in confinement. Thereafter the defacto complainant had lodged the complaint. Investigation in this case is in progress.

5.It is seen that the defacto complainant and the first petitioner are lessor and lessee. The defacto complainant could not continue his business and also cancelled the lease agreement. After cancelling the lease agreement the first petitioner ought to have repaid the amount received. Due to some mis-understanding there seems to be some scuffling and beating between them, due to which the present case came to be registered.

6. Taking into consideration all the above facts and circumstances of the case this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, 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 No.III, Nagercoil, Kanyakumari District on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each



respondent Police or to 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 petitioners shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

(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]***; and;

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

sd/-
05/01/2021

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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 No.III,
NAGERCOIL, KANYAKUMARI DISTRICT.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

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



3. THE SUB INSPECTOR OF POLICE,
ANJUGRAMAM POLICE STATION,
KANYAKUMARI DISTRICT.

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

ORDER
IN
CRL OP(MD) No.15891 of 2020
Date : 05/01/2021

AAV
TK/PN/SAR.3/07.01.2021/5P/5C