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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 22/12/2021

PRESENT

**The Hon`ble Mr.Justice G.ILANGOVAN**

**CRL OP(MD) . No.20603 of 2021**

1. Saraswathi  
2. Narayanan  
3. Kalaiselvi

... Petitioners/Accused No.2 to 4

Vs

State rep.by  
The Inspector of Police,  
Pudukkottai Town Police Station,  
Pudukkottai District.  
Crime No.1388 of 2021). ... Respondent/Complainant

For Petitioners: M/s.K.G.Arun Kumar, Advocate.

For Respondent : M/s.S.S.Madhavan,  
Government Advocate (Crl.Side)

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

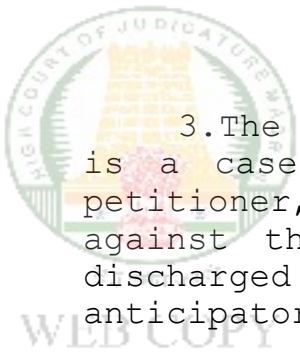
PRAYER :-

For Anticipatory Bail in Crime No.1388 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 323, 449, 427, 506(2), 379 IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.1388 of 2021, seek anticipatory bail.

2.The case of the prosecution is that there was property dispute between the parties, the accused persons alleged to have abused, assaulted the defacto complainant party and also threatened with dire consequences. Hence, the complaint.



3.The learned counsel for the petitioners would submit that it is a case in counter, based upon the complaint given by first petitioner, the counter case was registered in Crime No.1389 of 2021 against the *defacto* complainant party and that the injured was discharged from the hospital. Hence, prays to release them on anticipatory bail.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that based upon the complaint given by the first petitioner, case in counter was registered in Cr.No.1389 of 2021 for the offences under Sections 294(b), 323, 506(1) IPC, against the *defacto* complainant party and in this case injured was discharged from the hospital. The first accused is still in custody. Further he would submit that in this case, Aadhar card, ATM Card and cash of Rs.25,000/- were missing and the accused persons had damaged the CCTV camera, which was worth about Rs.50,000/-. In which, the accused persons had returned only Rs.4,680/- and the balance amount not yet received.

5.Reading of the FIR shows that there was dispute between relatives and the *defacto* complainant came into possession of the property on the ground of mortgage and later trouble arose between them, because the *defacto* complainant refused to vacate the property.

6.Considering the facts and circumstances of this case, nature of dispute between the parties, that the injured was discharged from the hospital and it is a case in counter, this Court is inclined to grant anticipatory bail to the petitioners. However, considering the damages caused by the accused persons, this Court impose the following conditions.

7.With regard to damage of CCTV camera, the petitioners shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of the Crime No.1388 of 2021, before the Trial Court and with regard to, amount allegedly taken away by the accused persons from the *defacto* complainant, the petitioners shall deposit another sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of the Crime No.1388 of 2021, before the Trial Court, within a period of two weeks from the date of receipt of the order copy.

8.On production of such receipt/acknowledgment, the petitioners are ordered to be released on bail in the event of arrest or their appearance, before the learned Judicial Magistrate No.I, Pudukkottai and on their executing 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 the petitioners shall appear before the respondent police daily at 10.30 am for a period of one month and thereafter, as and when required for interrogation. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.



9. The petitioners shall appear before the concerned Magistrate within a period of fifteen days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

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Sd/-  
22/12/2021

/ TRUE COPY /

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

PNM

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.I,  
PUDUKKOTTAI.
2. -DO- THROUGH  
THE CHIEF JUDICIAL MAGISTRATE,  
PUDUKKOTTAI DISTRICT.
3. THE INSPECTOR OF POLICE,  
PUDUKKOTTAI TOWN POLICE STATION,  
PUDUKKOTTAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

ORDER  
IN  
CRL OP (MD) No.20603 of 2021  
Date :22/12/2021

SP/CN/SAR IV/29/12/2021/3P/5C