



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.805 of 2022

1.Ganesan
2.Banumathi
3.Chamundeeswari

.. Petitioners

Vs.

State represented by
The Inspector of Police,
Mayiladuthurai Police Station,
Mayiladuthurai District.
Crime No. not known

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioners 1 to 3 on bail in the event of their arrest in Crime No. not known pending on the file of the respondent police.

For Petitioners: Mr.M.Marimahesh

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl.Side)

ORDER

(This case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 379, 447, 506(II) of IPC in Crime No.17 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the 1st petitioner has rented a shop of his complex building to one deceased Muthukumar, who is the husband of the defacto complainant and he was evicted from the said complex building illegally by the petitioner in the year 2020. Hence, the defacto complainant lodged a complaint before the respondent police on the instigation of one Seetharaman, who is the one of the sons of the 1st and 2nd petitioner, as there was some family dispute between the petitioners and the said Seetharaman with regard



to the possession of the said complex. Thereafter, the respondent police has directed the 3rd petitioner, who is the daughter-in-law to appear before them and demanded a compensation of Rs.13 lakhs for the defacto complainant without telling the facts of the complaint and directed her to bring the 1st and 2nd petitioner to the respondent police. Thereafter, due to the continuous harassment of the police, the 3rd petitioner has attempted suicide, fortunately she survived after admitting her in the hospital. However, the respondent police has issued a summon to the petitioners after 3 months.

3. The learned counsel appearing for the petitioners submits that the petitioners are innocent person and they have not committed any offence as alleged by the prosecution. He further submits that two FIRs have been registered against the said Seetharaman in Crime Nos. 510 of 2019 & 219 of 2021. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submits that investigation almost completed and there is no previous case pending against the petitioners. However, he opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and the age of the 1st and 2nd petitioners, this Court is inclined to grant anticipatory bail to the petitioners with the following condition.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate-I, Mayiladuthurai on condition that the petitioners 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 respondent police or 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the 1st and 2nd petitioners shall report before the respondent police as and when required for interrogation and the 3rd petitioner shall report before the respondent police on every Tuesday and Saturday at 10.30 a.m. for a period of four weeks and thereafter as and when required for an 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 has been imposed and the petitioners is 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/-

12/01/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, MAYILADUTHURAI.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM DISTRICT. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
MAYILADUTHURAI POLICE STATION,
MAYILADUTHURAI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.M.MARIMAHESH Advocate on payment of necessary charges

CRL OP.805/2022

Date :12/01/2022

RW 21/01/2022