



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Fifth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G. CHANDRASEKHARAN

CRIMINAL ORIGINAL PETITION No.10691 of 2022

1 R.KANAGARAJ [PETITIONERS/ ACCUSED]
2 K.PARAMESHWARI @ DEVI
3 K.SATHISHKUMAR @ SATHISH

Vs

STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
MALAYAMPALAYAM POLICE STATION,
ERODE DISTRICT.
CR.NO.58 OF 2022.

For Petitioner : M/S.C.S.SARAVANAN Advocate

For Respondent : MR.N.S.SUGANTHAN, Govt. Advocate (Crl. Side)

For Defacto Complainant : M/S.C.RAMARAJ, Advocate

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest for the alleged offence **under Sections 294(b), 427, 323 and 506(2) IPC** in Crime No.58 of 2022, on the file of the respondent police, seek anticipatory bail.

2. Though the petition for intervention is not filed, Mr.C.Ramaraj, learned counsel represented the defacto complainant. Heard the learned counsel for the petitioners, defacto complainant and the learned Government Advocate (Crl. Side).

3. The case of the prosecution is that the petitioners have put a wall obstructing the common pathway leading to the house of the defacto complainant. When this was questioned by the defacto complainant, the petitioners have criminally intimidated the defacto complainant and assaulted her. The further case is that the petitioners have damaged the pipe connection and the electricity connection worth Rs.40,000/-. Hence, the complaint.



4. The learned counsel for the petitioners submits that the petitioners and the defacto complainant are neighbours. There was a dispute between them with regard to the common pathway, due to which a false complaint has been lodged against the petitioners. Hence, he pleads for grant of anticipatory bail to the petitioners.

5. The learned Government Advocate (Crl. Side) submits that the petitioners have assaulted the defacto complainant and criminally intimidated her.

6. The learned counsel for the defacto complainant submits that the petitioners have caused damage to the pipe connection and electricity connection, which is worth a sum of Rs.40,000/-.

7. Considering the nature of the dispute between the parties and also considering the fact that the parties are neighbours, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions.

8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of seven days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate, Kodumudi**, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) each, 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 shall **deposit a sum of Rs.40,000/- to the credit of Crime No.58 of 2022** before the Judicial Magistrate, Kodumudi, within a period of seven days from the date of receipt of a copy of this order, and the learned trial Judge shall pass appropriate orders with regard to the amount deposited at the time of conclusion of trial;

(b) 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;

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

(d) **the petitioners shall report before the respondent police daily at 10.30.a.m., until further orders;**

(e) the petitioners shall not abscond either during investigation or trial;



(f) 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 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;

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

-sd/-
05/05/2022

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,
KODUMUDI, ERODE.

2 THE CHIEF JUDICIAL MAGISTRATE
ERODE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MALAYAMPALAYAM POLICE STATION,
ERODE DISTRICT.

+1 CC to M/S.C.S.SARAVANAN Advocate on payment of necessary charges SR.NO.6759

CRL OP.10691/2022

Date :05/05/2022

TA-12/05/2022