



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Friday, the Twentieth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN
CRIMINAL ORIGINAL PETITION No.11724 of 2022

1 R.RANI
2 R.MEGANATHAN

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
INSPECTOR OF POLICE,
KADAMBATHUR POLICE STATION,
TIRUVALLUR.
CRIME NO.54 OF 2022

[RESPONDENT]

For Petitioner : M/S.A.L.FRANC PAUL ASIRVADAM Advocate

For Respondent : MR.R.KISHORE KUMAR, Govt. Advocate (Crl. Side)

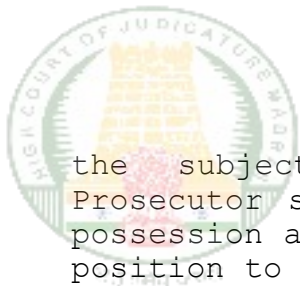
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 341, 448, 427, 294 (b), 506 (1) of IPC in Crime No.54 of 2022, seek anticipatory bail.

2. The case of the prosecution is that on 24.03.2022, the de facto complainant Liyahath Ali had complained to the respondent alleging that as per the order of the Chief Judicial Magistrate, Thiruvallur in CMP.No.2751/2021, they have seized the mortgaged property on 15.02.2022. However, that seized property was trespassed by the petitioners and the first petitioner herein was watching TV inside that seized property and when the de facto complainant had asked the first petitioner who had opened the lock, it is further alleged that it was replied by the first petitioner that it was her sons Mr.Harikrishnan and Mr.Meganathan and further at that time Mr.Harikrishnan had used abusive words against the de facto complainant and also it is alleged in the FIR that there was threat to the life of the de facto complainant by the petitioners.

3. Learned counsel for the petitioner would submit that the petitioner never broken the seal and they are not in possession in



the subject property. Whereas the learned Additional Public Prosecutor submitted that after breaking open the lock, they are in possession and enjoyment of the property and now the banker is not in position to take over the said property.

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4. Considering the above facts and circumstances that the dispute is civil in nature, this Court is inclined to grant anticipatory bail to the petitioners with condition that the petitioner shall not interfere with the possession of the subject property by the de facto complainant (banker). Since the learned counsel for the petitioners further submitted that the keys are very much with the de facto complainant, therefore it is also made clear that if the petitioners are in possession of the property, the respondent is at liberty to take possession of the subject property as undertaken given by the petitioners.

5. Accordingly, 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 on which the order copy made ready, before the learned Judicial Magistrate No.II, Tiruvallur, on condition that each of the petitioners shall execute a separate 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, failing which, the petition for anticipatory bail shall stand dismissed 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].



[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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-sd/-

20/05/2022

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

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

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, TIRUVALLUR

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR(FOR INFORMATION)

3 INSPECTOR OF POLICE,
KADAMBATHUR POLICE STATION,
TIRUVALLUR.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.A.L.FRANC PAUL ASIRVADAM Advocate on payment of
necessary charges Sr.7708

CRL OP.11724/2022

Date :20/05/2022

RVR 25/05/2022