



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.11957 of 2022

REGINA

[PETITIONER / ACCUSED]

Vs

THE STATE REP.BY
THE SUB INSPECTOR OF POLICE
MELPATTI POLICE STATION,
VELLORE DISTRICT.
(CRIME NO.63/2020)

[RESPONDENT]

For Petitioner : M/S M.R.THANGAVEL Advocate

For Respondent : MR.A.DAMODARAN, Additional Public Prosecutor,

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 420 & 506 (i) of IPC in Crime No.63 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that the de facto complainant namely Vivekananthan has lodged a complaint before the superintendent of police and the same was forwarded to respondent police alleging the de facto complainant has lent money Rs.13,00,000/-. During the course of investigation in respondent police station, the petitioner's husband has agreed to return the loan money before respondent. Based on the complaint preferred by de facto complainant, the respondent has registered the FIR against the petitioner.

3. The learned counsel for the petitioner submits that the fact remains the de facto complainant's brother namely Madhan who is a relative to this petitioner has forcibly encroached into petitioner's agricultural land of nearly 9 Acres and he was in possession till now. Further this petitioner was no way connected to the FIR and in order to harass this petitioner, false complaint has been lodged against the petitioner and his husband.



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 certain conditions.

5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Gudiyatham, on condition that the petitioner 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner 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 petitioner 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 petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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.

-sd/-
20/05/2022

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.



1 THE JUDICIAL MAGISTRATE,
GUDIYATHAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE
MELPATTI POLICE STATION,
VELLORE DISTRICT.

+1 CC to M/S M.R.THANGAVEL Advocate on payment of necessary
charges SR.NO.7693

CRL OP.11957/2022

Date :20/05/2022

TA-25/05/2022