



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Sixth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice M. NIRMAL KUMAR

CRIMINAL ORIGINAL PETITION Nos.12395 & 12405 of 2022

SONA [PETITIONER / ACCUSED
IN CRL.O.P.No.12395/2022]

RAJENDRAN [PETITIONER / ACCUSED
IN CRL.O.P.No.12405/2022]

Vs

THE STATE REP BY ITS, [RESPONDENT / COMPLAINANT
THE INSPECTOR OF POLICE, IN BOTH PETITIONS]
SANKAR NAGAR POLICE STATION,
CHENNAI
CRIME NO.27 OF 2022.

For Petitioner : M/S.M.SOUNDAR VIJAY ARULRAM Advocate
[IN BOTH PETITIONS]

For Respondent : MR.V.MEGANATHAN, Govt. Advocate (Crl. Side)
[IN BOTH PETITIONS]

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

ORDER : The Court Made the following order :-

The petitioner (A2) in Crl. O.P. No.12395 of 2022 and the petitioner (A3) in Crl. O.P. No.12405 of 2022, accused in Crime No.27 of 2022 for offence under Section 447, 323, 379, 506(1) IPC altered to Section 420 & 406 IPC, filed these Anticipatory Bail petitions.

2. The contention of the petitioners is that the de facto complainant had filed a petition under Section 156 (3) Cr.P.C. before the Judicial Magistrate, Tambaram, in C.M.P. No.5093 of 2019 which was ordered on 13.09.2019. Almost two years thereafter FIR came to be registered on 11.01.2022 against one Mani (A1) and his wife Sona (A2). A2 along with husband A1 were in possession and enjoyment of the property measuring around 1200 sq.ft. at Nehru Street, Polichalur and



their family was in possession and enjoyment of the property for more than 70 years. A1 and A2 have entered into an unregistered sale deed with the de facto complainant for the land measuring to an extent of 600 sq.ft for a sum of Rs.3,00,000/- in the year 2018. Thereafter, on 10.02.2018, A1 and A2 and their family members have raised an objection with regard to the place in which the de facto complainant was putting up construction.

3. Learned counsel for the petitioners submits that it is only a civil dispute which has been given a criminal colour. The petitioners are no way connected to the offences as alleged by the prosecution. Hence, he seeks anticipatory bail to the petitioners.

4. Learned Government Advocate (Crl. side) submits that the family members of A1 and A2 have been residing in the disputed place for generations. A1 and A2 were holding the lands to an extent of 1200 sq.ft., out of which 600 sq.ft. was sold to the de facto complainant in the year 2018 by way of an unregistered sale deed. Thereafter, the de facto complainant had attempted to put up construction in the said land. The petitioner A2 and her relatives have obstructed the same taking advantage that it is an unregistered sale deed and further demanded more money from the de facto complainant. Now FIR has been registered and investigation has been initiated. Hence, the learned Additional Public Prosecutor vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the fact that it is civil dispute between the petitioners and de facto complainant and finding that the complaint that has been given under Section 156 (3) Cr.P.C. has predominantly got a criminal flavour and since the dispute has taken place in the year 2019, this Court is inclined to grant Anticipatory Bail to the petitioners.

6. Accordingly, the petitioners are 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, Tambaram, 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 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 three 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.

-sd/-

26/05/2022

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,
TAMBARAM

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
SANKAR NAGAR POLICE STATION,
CHENNAI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2 CC to M/S.M.SOUNDAR VIJAY ARULRAM Advocate on payment of necessary charges SR.NOS.8199 & 8198

CRL Ops.12395 & 12405/2022

Date :26/05/2022

JPA 01/06/2022