



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 No.12408 of 2022

T.YUVARAJ

[PETITIONER / ACCUSED]

Vs

STATE REP BY
INSPECTOR OF POLICE
T10- THIRUMULLAIVOYAL POLICE STATION,
THIRUMULLAIVOYAL, CHENNAI-62,
CRIME NO.379/2022.

[RESPONDENT]

For Petitioner : M/S.PRADEEP JAYARAMAN Advocate

For Respondent : Mr.C.E.Pratap Government Advocate (Crl. Side)

For Intervenor : M/S V.S.SENTHILKUMAR Advocate

For Mediator : M/S ARUN ANBUMANI Advocate

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 341 & 506 (i) of IPC and section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 1998 in Crime No.379 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is the present secretary of VGN Stafford Flat Owners Welfare Association. The de-facto complainant Mrs.Vijayalakshmi is the wife of one **(*)Ravishanker**, who is the erstwhile Secretary of the said Association. There is some dispute with regard to the association maintenance work. According to the petitioner, after taking over the Secretaryship of the association, running the association with harmony in co-operation with all its members. There are around 1,000 members in the said association, who are residing in the gated community, which encompasses 23 acres of land. The erstwhile Secretary used to close the water valves to the residences, giving priority of his own choice. Further, he was also taking sites with



the promoter builder, which is detrimental to the association members, which was questioned by the petitioner. On 19.09.2021, it was found that the de-facto complainant's husband closed the water valves which is recorded in the CCTV coverage and the same was questioned by the petitioner, hence, in aggressive, erstwhile secretary (*)**Ravishanker** brought his wife and lodged a complaint.

3. The learned counsel for the petitioner submitted that initially, the respondent police conducted enquiry, advised both the petitioner and the de-facto complainant to compromise finding that the dispute is among the residences of the apartment. Later, the de-facto complainant managed to get First Information Report registered to cause harassment. He further submitted that the petitioner filed a Civil Suit against the promoter and builder for charging unreasonable maintenance charges and the same is pending before the High Court Commercial Division.

4. Mr.V.Senthilkumar, learned counsel appearing for the de-facto complainant submitted that the petitioner herein is the present secretary of the association to brook vengeance, the petitioner is creating trouble to the de-facto complainant's group members. The petitioner's allegation that the husband of de-facto complainant switched off and dis-connected the water valve and giving trouble to the association members, is totally denied. Further, though the occurrence took place on 19.09.2021, the petitioner managed with the police and hence, the police not registered the FIR. Thereafter, the petitioner made a challenge with the de-facto complainant, that no F.I.R can be registered against him, as they are powerful persons and all the members of the association will abide by their dictum. Subsequently, the de-facto complainant filed a petition under Section 156(3) of Cr.P.C before the Judicial Magistrate, Ambattur. Even thereafter, the respondent police failed to take any action. Hence, the de-facto complainant filed a petition in CrI.O.P.No.10080 of 2022 and thereafter, on the direction of this Court, First Information Report came to be registered.

5. The learned Government Advocate (crl. side) appearing for the respondent submitted that the F.I.R registered and investigation is at the initial stage. It is a dispute among the association members of the above said apartments.

6. On considering the submissions made by the learned counsels, this Court is inclined to give anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days. In the event of failure of Mediation, and Mediator informing the petitioner about the same. The sureties to be executed before the learned Judicial Magistrate, Ambatur, on condition that



12. It is made clear that the petitioner and de-facto complainant has no objection for appointing Mr. Arun Anbumani, as Mediator.

WEB COPY

-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.

**(*) CORRECTED COPY TO BE ISSUED FOR THE ORDER
ALREADY DESPATCHED ON 03/06/2022**

TO

1 THE JUDICIAL MAGISTRATE,
AMBATTUR

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR (FOR INFORMATION)

3 INSPECTOR OF POLICE
T10- THIRUMULLAIVOYAL POLICE STATION,
THIRUMULLAIVOYAL, CHENNAI 62.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE ASSISTANT REGISTRAR
TAMIL NADU MEDIATION AND CONCILATION CENTER,
HIGH COURT, MADRAS.

6 MR. ARUN ANBUMANI,
NO. IV HIGH COURT CHAMBER, HIGH COURT
BUILDING, HIGH COURT, CHENNAI 600 104.

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

CRL OP.12408/2022

Date : 26/05/2022

RVR 01/06/2022

RVR 06/06/2022