



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.12574 of 2022

1 S.SELVAM [PETITIONERS / ACCUSED]
2 S.MAHESWARI
3 S.VIMAL

Vs

THE STATE REP BY ITS, [RESPONDENT]
THE INSPECTOR OF POLICE,
PERALAM POLICE STATION,
PERALAM, TIRUVARUR DISTRICT
CR.NO.243 OF 2022.

For Petitioner : M/S.M.MARIMAHESH Advocate

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

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

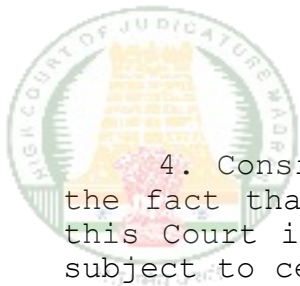
ORDER : The Court Made the following order :-

The petitioners, who apprehends arrest for the alleged offences under sections 452 & 427 of IPC, in Crime No.243 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant had gone to her relatives house on 21.04.2022 and during that period, the defacto complainant's house had been demolished. It is the further case of the prosecution that there is a civil dispute pending between the defacto complainant and the petitioners and thereby, the complainant assumes that her house has been demolished by the petitioners herein. Hence, the complaint.

3 .Heard the submissions made by the learned Counsel appearing for the petitioners and the learned Government Advocate (crl.side) appearing for the respondent.

4. The learned Government Advocate (crl.side) brought to the notice of this Court that the civil suit in O.S.No.40 of 2021 is pending between the defacto complainant and the petitioners.



4. Considering the facts and circumstances of this case and also the fact that there is a civil dispute pending between the parties, this Court is inclined to grant anticipatory bail to the petitioners subject to certain conditions.

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 of receipt of a copy of this order, before the learned District Munsif Judicial Magistrate Court, Nannilam on condition that each of the petitioners 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 District Munsif Judicial Magistrate Court, Nannilam 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent as and when required.

(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]; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A 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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE COURT,
NANNILAM

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
PERALAM POLICE STATION,
PERALAM, TIRUVARUR DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.12574/2022

Date :26/05/2022

RVR 31/05/2022