



Crl.O.P.No.21012 of 2022

Crl.O.P.Nos.21012 & 21180 of 2022

A.D.JAGADISH CHANDIRA.J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(a), 354(c), 506(i) of IPC r/w Section 4 of TNPHW Act in Crime No.212 of 2022 and Sections 294(b), 448, 427 and 506(ii) of IPC in Crime No.433 of 2022 respectively, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant in Crime No.212 of 2022 is that the petitioner is residing in the second floor of Visalam Apartment as a tenant, which has been sold to the defacto complainant's son by one Vaithi Subamanian. While so, the petitioner had refused to pay the rent for the premise and filed a suit in O.S.No.224 of 2021 before the District Munsif Court, Poonamlle as against the defacto complainant's son. In that suit the petitioner had filed fabricated documents as if the erstwhile owner Vaithi Subramanian had received a sum of Rs. 60 Lakhs from the petitioner and by receiving the same, the said Vaithi Subramaniam had agreed to sell the property to the petitioner. It is the further case that the petitioner's husband in an inebriated



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condition had tried to outrage the modest of the women employees, who are working in the third floor of the premises which belongs to the petitioner, by standing in front of them naked. Hence, the case.

3.The case of the prosecution in Crime No.433 of 2022 is that pursuant to the civil dispute, the defacto complainant had filed an application before this Court seeking for police protection in Crl.O.P.No.6831 of 2022. While so, on 16.04.2022, one Ramesh, Tamil Pazhani, Vysarpadi Saravanan along with other unidentified person have trespassed into the flat of the defacto complainant and intimidated him and also caused damage to the CCTV Camera, lift and pipes to the tune of Rs.2,50,000/-. Hence, the case.

4. Mr. R.Anand, learned counsel for the petitioner would submit that the petitioner is an employee of Apollo Hospitals Enterprises Limited, working as a Manager (Operations) and that she was residing as a tenant in respect of Flat No.S2, Visalam Apartment, Parvathi Avenue. While so, the petitioner had entered into an oral agreement dated 14.11.2018 with the said Vaithi Subramaniam for the purchase of



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property and for that, the petitioner had paid an amount of Rs.60 Lakhs as advance. He would further submit that all of a sudden, the owner of the property had passed away on 14.05.2021. Thereafter, the defacto complainant' son had fabricated the life certificate as if the said Vaithi Subramaniam was alive on 08.06.2021 and by using that forged life certificate had transferred the properties in favour of his wife. Based on which, they have attempted to throw the petitioner and her family members by force. Hence, the petitioner had filed a suit in O.S.No.224 of 2021 before the District Munsif Court, Poonamille. In respect of the same, notice has also been issued to the defacto complainant' son.

5. Learned counsel would further submit that as far as the second complaint is concerned, the petitioner along with other accused are stated to have caused damage to the tune of Rs.2,50,000/-. He would submit that without prejudice, the petitioner is prepared to deposit an amount of Rs.1,50,000/- to the credit of Crime No.433 of 2022. He would further submit that infact the defacto complainant and his son had caused damage to the articles and now are shifting blame on the petitioner.



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Thereby, he seeks for anticipatory bail.

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6.Mr.R.Vinothraja, learned Government Advocate (crl.side) appearing for the respondent would submit that in Crime No.212 of 2022, there is civil dispute existing between the parties. While so, the petitioner and her husband had abused the defacto complainant and further, the petitioner's husband in an inebriated condition had harassed the women employees of the defacto complainant by standing naked in front of them. As far as the case in Crime No.433 of 2022 is concerned, pursuant to the civil dispute, the petitioner along with the henchmen had caused damage to the articles to the tune of Rs.2.5 Lakhs. He would submit that the investigation is pending. Thereby, he vehemently opposed to grant Anticipatory Bail.

7. Mr.V.J.Arul Raj, learned counsel for the intervenor would submit that the petitioner and her husband had fabricated the documents and attempted to knock all the properties. They also caused damage to the articles to the tune of Rs.2.5 Lakhs. Further, the petitioner's husband had created ruckus by standing in a naked position in front of the women



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employees. He would further submit that due to the act of the petitioner and her husband, the other tenants in the flat are evicted. Hence, he opposed to grant bail to the petitioner.

8. Heard the learned counsels and perused the entire materials available on record.

9. Taking into consideration of the facts of the case and the submission made by the learned counsels and also the fact that the petitioner is ready to deposit an amount of Rs.1.5 Lakhs to the credit of Crime No.433 of 2022, this Court inclined to grant anticipatory bail to the petitioner subject to the following conditions;

10. Accordingly, the petitioner shall deposit a sum of **Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only) to the credit of Crime No.433 of 2022**, on such deposit the petitioner is ordered to be released on bail on condition to execute a bond for **a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties** for a like sum to the satisfaction of the respondent police or the police officer who



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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, every Sunday at 10.30 am until further orders.**

[c] Merely, because the petitioner deposits the said amount, it would not amount to admission of her guilt. Therefore, it is open to the trial Court to deal with the case independently.

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

[e] the petitioner shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the



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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 absconds, a fresh FIR can be registered under Section 229A IPC.

14.09.2022

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A.D.JAGADISH CHANDIRA.J.



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