



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 21/02/2022
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD).No.2791 of 2022

Shopana

... Petitioner/Accused No.4

Vs

The State rep.by
The State represented by
The Inspector of Police,
Velayuthampalayam Police Station,
Karur District.
(Crime No.50 of 2022).

... Respondent/Complainant

Sandhiya

... Intervening Petitioner/
Respondent/Defacto Complainant
In Cr1.MP(MD).2190/2022

For Petitioner : Mr.R.MATHIYALAGAN,
Advocate.

For Respondent : Mr.E.ANTONY SAHAYA PRABAHAR,
Additional Public Prosecutor.

For Intervenor : Mr.B.SANTHANAM RAJESHKUMAR,
Advocate.

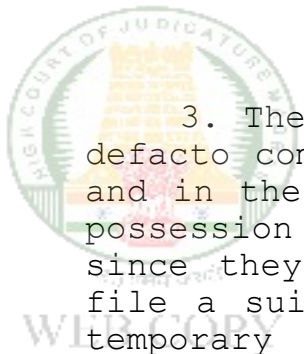
PETITION FOR BAIL Under Section 439 of Cr.P.C.

PRAYER :- For Bail in Crime No.50 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A.4, who was arrested and remanded to judicial custody on 30.01.2022 for the offences punishable under Sections 147, 448, 294(b), 323, 427 and 506(2) IPC, Section 4 of Tamil Nadu Prohibition of Harassment of Women Act and Section 3 of Public Property Damage Act, in Crime No.50 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant's father Palanisamy has borrowed a sum of Rs.67 Lakhs from the first accused, for which, the defacto complainant's father executed two sale deeds in favour of the first accused as a security to the said amount and thereafter, the defacto complainant and her family members constructed a small house in that agricultural land and is residing in the house on 02.01.2022. Due to that, the first accused along with other accused came with JCB and demolished the house and harassed the defacto complainant. Hence, the complaint.



3. The learned counsel for the petitioner would submit that the defacto complainant's father sold the property to the first accused and in the sale deed itself, it has been specifically recited that possession was handed over on the same day and that subsequently since they have raised disputes, the first accused was forced to file a suit before the District Munsif Court, Karur, and obtained temporary injunction restraining the respondent therein from interfering with the petitioner's peaceful possession and enjoyment of the suit properties therein. He would further submit that another complaint came to be lodged with the very same police station and the same was ordered to be closed. He would further submit that the petitioner is willing to deposit a sum of Rs.5,00,000/-, without prejudice to her rights and contentions, to the credit of Crime No.50 of 2022 on the file of the respondent police.

4. The learned counsel for the intervenor would submit that the intervenor is in possession of the property and that due to the practice prevailing Karur area, the sale deeds were executed as security for the loan transactions, that the first accused has undertaken to reconvey the property, if the loan amount is settled and that they have also agreed before the Panchayatdars and executed a Panchayat Muchalika.

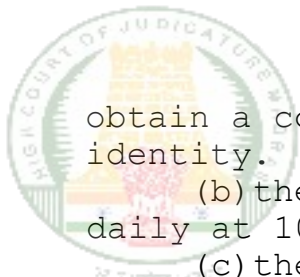
5. The learned Additional Public Prosecutor for the respondent would fairly concede that the earlier petition was ordered to be closed and since the defacto complainant has alleged demolition of her house, the present FIR came to be registered.

6. Considering the above facts and circumstances and also the fact that the sale deed has been executed by the defacto complainant's father to the first accused specifically reciting that the possession of the property was handed over and also taking note of the temporary injunction granted by the competent civil Court and also the submission made by the learned counsel for the petitioner that without prejudice to her rights, she is willing to deposit a sum of Rs.5,00,000/- and also the fact that the petitioner is in judicial custody from 30.01.2022, this Court is inclined to grant bail to the petitioner subject to the following conditions.

7. Accordingly, the petitioner is directed to deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs only) before the learned Judicial Magistrate No.II, Karur, to the credit of Crime No.50 of 2022 without prejudice to her rights and contentions.

8. On such deposit, the petitioner is ordered to be released on bail on her executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Karur.

(a) the sureties shall affix their photographs and left thumb impressions on the surety bond and the Magistrate/concerned court 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., until further orders.

(c) the petitioner shall not tamper with the 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]**; and;

(f) if the accused / petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

21/02/2022

/ TRUE COPY /

21/02/2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

TO

1 THE JUDICIAL MAGISTRATE NO.II, KARUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, KARUR DISTRICT.

3 THE OFFICER INCHARGE, SPECIAL PRISON FOR WOMEN, TRICHY.

4 THE INSPECTOR OF POLICE,
VELAYUTHAMPALAYAM POLICE STATION,
KARUR DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL OP(MD) No.2791 of 2022

Date : 21/02/2022

RS-SA/PN/SAR.1/21.02.2022/3P/6C