



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )

Date : 17/03/2022

PRESENT

The Hon`ble Mr.Justice **K.MURALI SHANKAR**

CRL OP(MD). No.5033 of 2022

S.Rajkumar

... Petitioner/Accused 5

Vs

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

... Respondent/Complainant

For Petitioner : Mr.V.Balaji,  
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,  
Additional Public Prosecutor.

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/accused, who was arrested and remanded to judicial custody on 05.03.2022 for the offences punishable under Sections 147, 448, 294(b), 323, 427 and 506(2) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 and Section 3 of Tamil Nadu Property (Prevention of Damage and Loss) 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 only a driver of the said JCB.

4. 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.

5. Considering the above facts and circumstances and also the fact that the petitioner is not having any bad antecedents, this Court is inclined to grant bail to the petitioner subject to the following conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his 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 Additional Mahila Court (Magisterial Level), Karur.

(i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii) the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of one month and thereafter as and when required for interrogation;

(iii) the petitioner shall not tamper with evidence or witness;

(iv) the petitioner shall not abscond during trial;

(v) 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]***.



(vi) If the accused / petitioner thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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sd/-  
17/03/2022

17/03/2022  
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 ADDITIONAL MAHILA COURT  
(MAGISTRATE LEVEL), KARUR.
- 2 THE CHIEF JUDICIAL MAGISTRATE  
KARUR DISTRICT.
- 3 THE INSPECTOR OF POLICE  
VELAYUTHAMPALAYAM POLICE STATION, KARUR DISTRICT.
- 4 THE OFFICER INCHARGE  
SUB JAIL, KARUR.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER  
IN  
CRL OP(MD) No.5033 of 2022  
Date :17/03/2022

CSM  
MK/VR/SAR.IV/17.03.2022/3P/6C