



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 11/05/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) . No.9095 of 2022

Arasakumar ... Petitioner/Accused Rank not known

Vs

The State represented by
The Inspector of Police,
Velayuthapuram Police Station,
Karur District.
Cr.No.50/22.

... Respondent/Complainant

For Petitioner : M/s.Balasubramanian.N,
Advocate.

For Respondent : Mr.A.Albert James,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.50/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused rank not known, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 147, 448, 294(b), 323, 427 and 506(ii) of IPC r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 and Section 3 of TNPPDL Act in Cr.No.50 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant's father Palanisamy has borrowed a sum of Rs.67 lakhs from the first accused, for which, the de-facto complainant's father executed two sale deeds in favour of the first accused as a security to the said amount and thereafter, the de-facto 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 de-facto complainant. Hence, the law enforcing agency registered a case against the petitioner.



3.The learned counsel appearing for the petitioner would submit that the de-facto 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's name was not mentioned in the FIR not known and the co-accused were already granted anticipatory bail by this Court in Crl.O.P.(MD)Nos.2791 and 3505 of 2022, dated 21.02.2022 and this Court imposed a condition to deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs) in respect of A4 to the credit of crime number and no condition was imposed against the accused 1 to 3.

4.The learned Government Advocate (Crl.side) appearing for the respondent police would submit that the earlier petition was ordered to be closed and since the de-facto complainant has alleged demolition of her house, the present FIR came to be registered.

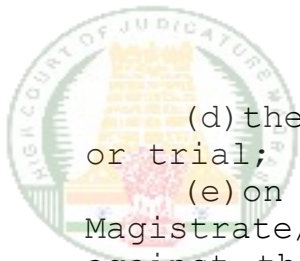
5.Considering the above facts and circumstances of the case and also the fact that the sale deed has been executed by the de-facto complainant's father to the first accused specifically reciting that the possession of the property was handed over and also taking note of the temporary injunction granted by the competent civil Court and that the co-accused has already been granted anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Karur, on condition that the petitioner 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 Magistrate concerned 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, as and when required for interrogation;

(c)the petitioner shall not tamper with evidence or witness



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

sd/-

11/05/2022

/ TRUE COPY /

12/05/2022

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

SJI

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 INSPECTOR OF POLICE
VELAYUTHAPURAM POLICE STATION, KARUR DISTRICT.

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

+1. CC to M/S. BALASUBRAMANIAN.N. Advocate SR.No.4585

ORDER

IN

CRL OP(MD) No.9095 of 2022

Date :11/05/2022

SS/PN/SAR:II/12.05.2022 : 3P/6C