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

Reserved on : 14/09/2022

Pronounced on : 19/09/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP (MD) .No.11208 of 2022

1.R.Somasundaram
2.R.Senthilvelan
3.S.Usharani
4.G.Mahalakshmi

... Petitioners/Accused
Nos.1 to 4

Vs

1.State represented through
The Inspector of Police,
K.Pudur police Station,
Madurai District.
(Crime No.196/22).

... Respondent/Complainant

(*) 2.Asha

... 2nd Respondent/Defacto
Complainant

(*) (R2-Suo Motu impleaded as per
order of the Hon'ble Court
dated 08/07/2022 in CrI.O.P.(MD)
No.11208/2022 by GIJ)

For Petitioners : M/s.S.Rajasekaran, Advocate.

For 1st Respondent : Mr.M.Muthumanikkam
Government Advocate (Crl.Side)

For Intervenor : Mr.V.Nagendran, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.196/2022 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused Nos.1 to 4, who apprehend arrest at the
hands of the respondent police for the offences punishable under
Sections 147, 448, 427, 294(b), 506(i) of IPC and Section 4 of Tamil
Nadu Prohibition of Harassment of Women Act, in Cr.No.196 of 2022,
seek anticipatory bail.



2.The case of the prosecution is that the defacto complainant is a Advocate practicing in the High Court. She is a tenant under the first and second petitioners. The petitioners asked the defacto complainant to vacate the premises several years ago. For which, a dispute arose between both the parties and the defacto complainant has filed a suit. On the date of occurrence, when the defacto complainant returned home, she found that the electricity supply and water supply, were disconnected. Hence the complaint.

3.The learned counsel for the petitioners submitted that the petitioners have not committed any offence as alleged by the defacto complainant. She is irregular in paying the rent and she was asked to vacate the premises and a suit was filed by the defacto complainant and the same was dismissed for default. Hence they pray the petitioners to be released on anticipatory bail.

4.On the side of the intervener it is stated that the complainant is a tenant, the petitioner failed to execute a written rental agreement and failed to issue receipts for payment of rent and advance. Then the petitioner increased the rent exorbitantly and threatened to forcibly evict the complainant. Hence she filed a suit in O.S.No.352 of 2018 that suit was dismissed for default on 28.03.2022. The complainant filed a petition to restore the same and that petition is pending. On 31.10.2019, the door was broke open and there was theft of 6 sovereign of gold and Rs.3000/- cash. A criminal case in Cr.No.720 of 2019 was registered. On 09.05.2022, the petitioner and his hooligans threatened the petitioner to vacate the house and they illegally disconnected the EB connection, dismantled the bore well and damaged the drainage and the petitioners pasted bills in the wall with slogan to degrade the complainant and prayed to dismiss the petition.

5.The learned Government Advocate(Crl.side) submitted that there is a civil dispute between both the parties. The defacto complainant is an advocate. No previous case has been filed against the petitioners herein.

6.Considering the facts and circumstances of this case and considering the nature of the offence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or 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, Madurai, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:



(a) the petitioners 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 petitioners shall report before the respondent police daily at 10.30 am for a period of two weeks and thereafter, as and when required for interrogation.

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners shall be present before the Court on hearing dates and before the respondent police as and when required;

(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 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/-

19/09/2022

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/09/2022

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

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TO

1. THE JUDICIAL MAGISTRATE NO.II,
MADURAI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
K.PUDUR POLICE STATION,
MADURAI CITY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.11208 of 2022

Date :19/09/2022