



WEB COPY

CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 08/08/2022
PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.12628 of 2022

1. Raja Pandi
2. Vimala
3. Thathathiyar Pandi ... Petitioners/Accused Nos.1 to 3

Vs

The State rep.by
The Inspector of Police,
South Gate Police Station,
Madurai City.
Crime.No.268 of 2021.

... Respondent/Complainant

For Petitioners : Mr.JINNAH.S.M.A, Advocate.

For Respondent : Mr.B.THANGA ARAVINDH,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No. 268 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners are facing charges under Sections 294(b), 323, 448, 427, 506(i) and 379 IPC in Crime No.268 of 2021 on the file of the respondent police.

2.The case of the prosecution is that the defacto complainant is the lessee for the land measuring an extent of 777 sq.ft., situated in D.Nos.153 and 153A.. He paid a sum of Rs.2,00,000/- as advance and also paid a sum of Rs.25,000/- as monthly rent. He has also put up a superstructure by spending about Rs.6,00,000/-. He is running a shop. During his absence period, the petitioners herein were looking after the shop. Later, the 1st petitioner became a subtenant in a portion of the property. Because of the difference of opinion between the landlord and himself, a suit in O.S.No.460 of 2019 has been filed and the same is now pending.



3. On 22.06.2021, the shop was locked because of the COVID-19 pandemic restrictions. Later, the accused persons trespassed into the aforesaid shop and damaged the articles and also took away the goods. The defacto complainant was also criminally intimidated, when that was questioned by him, over which the present First Information Report has been registered.

4. The learned counsel for the petitioners would submit that as per the proceedings in E.P.No.209 of 2012, possession was handed over to the 1st petitioner herein, namely, Raja Pandi and ever since he is in possession. 10 days prior to the aforesaid occurrence, the defacto complainant trespassed into the shop and occupied the same.

5. In the factual aspects, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate No.IV, Madurai, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and the petitioners shall appear before the respondent police once in 15 days until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-

08/08/2022

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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.IV,
MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE,
SOUTH GATE POLICE STATION,
MADURAI CITY.

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

ORDER

IN

CRL OP(MD) No.12628 of 2022

Date :08/08/2022

MM

SA/VR/SAR.4/25.08.2022/3P/5C