



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

WEB COPY

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.14286 of 2022

1. Navaneethan
2. Muralidharan

... Petitioners/Accused Nos.1 & 2

Vs

The State rep.by
The Inspector of Police,
Uppiliyapuram Police Station,
Trichy District.
(Crime No.207/2022).

... Respondent/Complainant

For Petitioners : Mr.SIVABALAN.K, Advocate.
For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

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

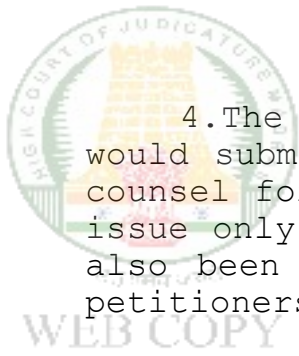
PRAYER :- For Anticipatory Bail in Crime No.207/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners are facing charges under Sections 294(b), 354, 323 and 506(i) IPC in Crime No.207 of 2022 on the file of the respondent police.

2.The case of the prosecution, as per the complaint given by the defacto complainant, is that the defacto complainant borrowed a sum of Rs.10,40,000/- towards loan from the State Bank of India and because of her financial position, she was not in a position to repay the same. On 30.07.2022 at about 05.00 pm., when she visited the property, the accused persons assaulted her, tried to outrage the modesty of her and also abused her in filthy language. She was also criminally intimidated. Over the aforesaid occurrence, now the case has been registered.

3.The learned counsel for the petitioners would submit that the petitioners became the auction purchasers of the property, which belongs to the defacto complainant and because of the vengeance only, the aforesaid false complaint has been given, as if the defacto complainant was in a possession, but in pursuance of the aforesaid auction purchase, they were put in possession by the State Bank of India, as per the provisions of the SARFAESI Act.



4.The learned Government Advocate (Crl.side) for the r it would submit that the submission that has been made by the learned counsel for the petitioners is correct and because of the aforesaid issue only, now the case has been registered and a counter case has also been registered, on the basis of the complaint given by the petitioners in Crime No.206 of 2022.

5.Since it is a case and counter case, the dispute has arisen between the parties regarding the auction purchase that was made by this petitioners and no previous bad antecedents is reported against this petitioners. In the facts and circumstances of the case, 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, Thuraiyur, Trichy District, 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

/ TRUE COPY /

/08/2022

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,
THURAIYUR, TRICHY DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.



3 THE INSPECTOR OF POLICE,
UPPILYAPURAM POLICE STATION,
TRICHY DISTRICT.

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

+1. CC to M/S.SIVABALAN.K., Advocate SR.No.8254

**ORDER
IN**

CRL OP(MD) No.14286 of 2022
Date :08/08/2022

MM
SA/VR/SAR.2/16.08.2022/3P/6C