



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 27/10/2022
PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.15585 of 2022

1.R.Anbukkarasi

2.R.Thulasi

... Petitioners/Accused Nos.1 & 2
Vs

The State represented by
The Inspector of Police,
Golden Rock Police Station,
(Ponmalai Police Station),
Trichy District.
(Crime No. 320 of 2022)

... Respondent/Complainant

For Petitioners : M/s.Sreenivasan.M.R.,
Advocate.

For Respondent : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)

For Intervenor : No appearance

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

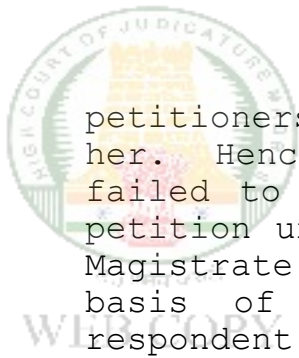
PRAYER :-

For Anticipatory Bail in Crime No.320 of 2022 on the file of
the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 & A2, who apprehend arrest at the hands
of the respondent police for the offences punishable under Sections
294(b), 447, 448, 379, 427 and 506(i) of IPC, in Crime No.320 of
2022, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant
has purchased the house bearing D.No.16, Thangeswari Nagar, 5th
Street, Golden Rock (Ponmalai), Trichy, on 11.11.2020 from its
owner. After purchasing the above house, she made painting of her
house. Since it was raining at that time, they locked the house and
went off. When they returned to home, they found that the
petitioners along with others trespassed into the house of the
defacto complainant and committed theft of house hold articles and
damaged other things. Hence, she made a complaint before the
respondent police, but they did not take any action. Thereafter, on
15.11.2020, when the defacto complainant went to see her house, the



petitioners abused her in filthy language and caused life to her. Hence, again she made complaint. Since the respondent police failed to register the case, the defacto complainant has filed a petition under Section 156(3) of Cr.P.C before the learned Judicial Magistrate No.5, Trichy in Crl.M.P(MD) No.11265 of 2021 and on the basis of the order of the learned Judicial Magistrate, the respondent police registered the present case.

3.The learned counsel for the petitioners would submit that the alleged house, which was claimed to be purchased by the defacto complainant is the ancestral property of the second petitioner's grandmother. The petitioners have been in continuous possession and enjoyment of the ancestral house and the petitioners got every right over the said property. He would further submit that in respect of the said property, a suit in O.S.No.103 of 2022 is pending before the II-Additional Sub Court, Trichy. The petitioners are innocents and they have not committed any offence as alleged by the prosecution. Hence, they may be granted anticipatory bail.

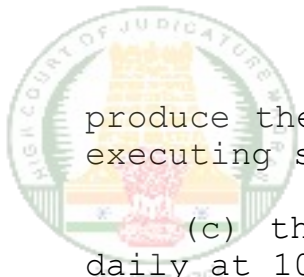
4.The learned Government Advocate(Crl.Side) would submit that there is a civil dispute pending between the parties. The petitioners trespassed into the defacto complainant's house and caused damage to the properties worth Rs.1,80,000/-. He would further submit that the investigation is still pending. Hence, he opposed for grant of anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and considering the nature of offence and also the facts that there existed civil dispute between the parties, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.5, Trichy, 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 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 petitioner is directed to deposit a sum of **Rs.15,000/- (Rupees Fifteen Thousand only) each to the credit of Crime No.320 of 2022 before the learned Judicial Magistrate No.5, Trichy**, without prejudice to his rights and contentions before the trial Court and



produce the receipt/acknowledgment before the concerned Court for executing sureties;

(c) the petitioners shall report before the respondent police daily at 10.30 am until further orders;

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

(e) the petitioners shall not abscond either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners 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;

(g) if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

27/10/2022

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

TO

1 THE JUDICIAL MAGISTRATE NO.V,
TRICHY.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TRICHY.

2 THE INSPECTOR OF POLICE
GOLDEN ROCK POLICE STATION,
(PONMALAI POLICE STATION), TRICHY DISTRICT.

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

+1. CC to M/S.SREENIVASAN.M.R. Advocate SR.No.12076

ORDER

IN

CRL OP(MD) No.15585 of 2022

Date : 27/10/2022

SS/GB/SAR I/07/11/2022/ 3P 6C