



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 04/02/2022

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

Crl.OP (MD)No.20015 of 2021

1.Bar Ganesan @ Ganesan

2.Prabhakaran @ P.Prasath

...Petitioners/Accused Nos.2 & 8

Vs.

The State rep. By
The Inspector of Police,
Siruganur Police Station,
Trichy District.

(Crime No.637 of 2021)

... Respondent/Complainant

For Petitioner : Mr.T.Lenin Kumar,Advocate

For Respondent : Mr.S.Manikandan
Government Advocate (Crl. Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.637 of 2021 on the file of the Respondent Police.

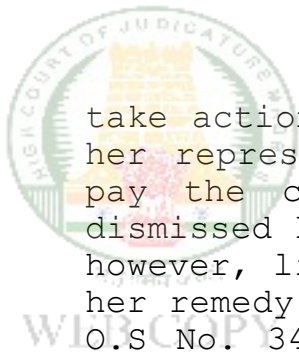
ORDER : The Court made the following order :-

The petitioners, who are arrayed as A2 & A8 apprehending arrest at the hands of the respondent police for the offences punishable under sections 147, 148, 294(b), 323, 380, 420, 427, 447 and 560(ii) IPC, in Crime No.637 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 22.06.2016, the accused persons illegally trespassed into the property of the de-facto complainant and damaged her car and in the year 2019, all the accused persons illegally trespassed into the property of the de-facto complainant and took possession of the property. Hence, the case.

3.Heard both sides.

4.The entire CD file has been called and perused. The de-facto complainant earlier filed a Writ Petition in W.P(MD)No.16176 of 2021 before this court seeking a direction to the Government Officials to



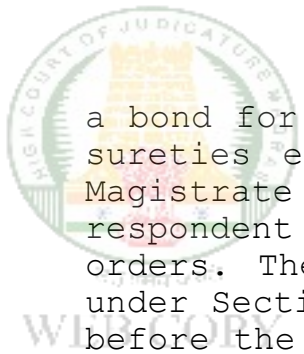
take action against one T.Shanmugam and Manivannan, on the basis of her representation and subsequently direct the first respondent to pay the compensation of Rs.10 Lakhs. That petition came to be dismissed by this court, after considering the oral submission. But however, liberty was granted to the de-facto complainant to work out her remedy in a suit, which is pending before the concerned court in O.S No. 343 of 2019. But however, she was not satisfied with the above said order, again she moved another writ petition in WP(MD) NO.20778 of 2021 before this court seeking a similar relief. That was also came to be dismissed. But however, during the course of argument, it was brought to notice of this court that subsequent complaint given by the de-facto complainant, a case in Crime No.637 of 2021 viz., the present case has been registered against 10 persons. So a direction was given to the Investigating Officer to file a final report after completing the investigation process within a period of three months.

5.During the course of argument, it has been submitted by the learned counsel appearing for the intervener/de-facto complainant that the respondent police has suppressed the material facts before this court, while hearing WP(MD)No.16176 of 2021. When the observation of this court that if real any grievance to the petitioner, then he ought to have filed either review application or a contempt petition against the concerned person for committing the contempt of the court.

6.Now whatever it may be, the issue has been discussed in the writ petition. Now the case has been registered for the offences under sections 147, 148, 294(b), 323, 380, 420, 427, 447 and 506(ii) IPC. In view of change of circumstances, the petitioners have been shown as A2 and A8, moved this anticipatory bail application solely on the ground that on the previous occasion, when the complaint was given by the de-facto complainant, it was closed as purely civil in nature, Subsequent complaint ought not to have entertained. But those legality of registration of the FIR cannot be a matter for consideration in this petition.

7.The dispute which is involved in this matter is to be in nature of the disputed document. Whether it was a out and right sale transaction or only a document, which was executed as a security for a loan obtained, is a matter for consideration by the competent civil court, in the suit in OS No.343 of 2019 pending on the file of the Principal District Munsif, Lalgudi. So only during the course of the above said trial proceedings, the true fact will out out.

8.Considering the facts and circumstances of this court and also the dispute involved in this petition, this court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the



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 learned Magistrate concerned and the petitioners shall appear before the respondent police once in 15 days at 10.00 a.m. until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously. 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 will stand dismissed.

sd/-

04/02/2022

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

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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,
LALGUDI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TRICHY.
- 3 THE INSPECTOR OF POLICE
SIRUGANUR POLICE STATION,
TRICHY DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.20015 of 2021

Date :04/02/2022

PKP/JM/SAR-1/14.02.2022/3P/5C