



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 11/04/2022
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.21050 of 2021

1. Saratha
2. Alaguraja @ Alaguroja
3. A.Rajesh ... Petitioners/Accused Nos.1 to 3

Vs

The State rep.by
The Inspector of Police,
Vilakuthoon Police Station,
Madurai.
Cr.No. 692 of 2021. ... Respondent/Complainant

A.Kesavan ... Petitioner/Defacto Complainant
in CRL.MP(MD)No.75/2022 in
CRL.OP (MD)No.21050/2021

For Petitioners : Mr.RAMALINGAM.K.C, Advocate.
For Respondent : Mr.M.MUTHUMANIKKAM,
Counsel for Government of Tamil Nadu(Crl.side)
For Intervenor : Mr.R.VELMURUGAN, Advocate

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

PRAYER :- For Anticipatory Bail in Crime No.692 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 120(B), 271, 418, 426, 427, 506(ii), 420, 447 and 406 IPC, in Crime No. 692 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the petitioners 1 and 2 entered into an agreement with the defacto complainant on 12.12.2018. As per the said agreement, the first and second petitioners are running a parotta stall. On the said memorandum, the second petitioner has paid Rs.200/- to the defacto complainant. As per the agreement the first and second petitioners regularly paid rent till 22.03.2020. Subsequently, due to Covid-19, the petitioners closed their shop, as per the Government instructions. However, the defacto complainant insisted the petitioners to pay Rs.350/- per day



as daily rent. Further, the prosecution case is that the second petitioner indulged activities, cheating and breach of trust and the petitioners have not paid Rs.53,500/-towards arrears of rent and the allegations against the third petitioner is that without furnishing information to the defacto complainant, closed the shop.

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3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution.

4.In pursuance of the direction of this Court, the respondent Police has filed a status report, wherein it has been stated that the memorandum of understanding was entered between the petitioners and the complainant on 12.12.2018, wherein Utensils worth about Rs.53,000/- was given and as per the agreement, the daily rent of Rs.200/- was given till 22.12.2020 and according to the defacto complainant as per the agreement, the accused have refused to vacate the shop and hence the petitioners have filed a suit in O.S.No.236 of 2021 before the District Munsif Court and the same is pending and it has been further stated that the daily rent due to the tune of Rs.72,000/- has already been paid and that the allegations levelled are all civil in nature and that only be solved in civil Court.

5.As rightly contended by the learned counsel for the petitioners, the defacto complainant, by lodging the above complaint, has been attempting to convert the civil dispute into a criminal dispute.

6.The matter was earlier referred to the Mediation and that the report has been received stating that the mediation ended in failure.

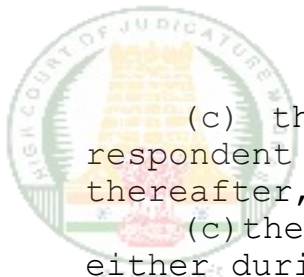
7.Considering the facts and circumstances of the case and also considering the facts that there existed tenancy dispute between the parties and that the petitioners are not having any bad antecedents and also taking note of the status report filed, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8.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.I, Madurai, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 first petitioner shall report before the respondent

<https://hccourtservices.gov.in/hoservices> when required for interrogation.



(c) the second and third petitioners shall report before the respondent police daily at 10.30 am for a period of one month 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 not abscond either during investigation or trial;

(e) 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;

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

sd/-

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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 COURT NO.I, MADURAI

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE
VILAKUTHOON POLICE STATION,
MADURAI.

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

+1. CC to M/S.RAMALINGAM.K.C Advocate SR.No.3221

ORDER IN

CRL OP(MD) No.21050 of 2021
Date : 11/04/2022

SA/SVR/SAR.4/22.04.2022/3P/6C