WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/11/2022

PRESENT

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

CRL OP(MD). No.20758 of 2022

1. Renuka
2. Kavidoss
3. Dharshini ... Petitioners/Accused Nos.1,3 & 4

Vs

State rep.by
The Inspector of Police,
Woraiyur Police Station,
Trichy.
(Crime No.1232/2022). ... Respondent/Complainant

For Petitioners : M/s.Arumugam C M, Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.1232 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1, A3 & A4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 448, 427, 294(b) and 506(2) of IPC, in Crime No.1232 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the tenant under the first petitioner, who is the power of attorney to the original owner namely, Gangatharan. The defacto complainant was residing in the house from the year 2017. The petitioners herein have insisted the defacto complainant to vacate

https://www.mhc.tn.gov.in/judis

WEB COPY

the house. When the same was refused by her, the petitioners abused her and her son & mother in filthy language and damaged the windows, mirrors and house hold articles. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case. He would further submit that the defacto complainant has not paid rent regularly and refused to vacate the house also. Hence, the first petitioner filed a suit in O.S.No.642 of 2022 before the I Additional Sub Court, Trichirappalli, seeking the relief of payment of arrears of rent. Thereafter, the defacto complainant also filed a suit in O.S.No.677 of 2022 before the Principal District Munsif Court seeking the relief of injunction against the first petitioner and the aforesaid Gangatharan. Due the above said motive, this false complaint has been registered against the petitioners. Further, it is a case and case in counter. Counter case has also been field against the defacto complainant in Crime No.1233 of 2022. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the original owner is residing at Switzerland. He gives general power of attorney to the first petitioner. The petitioners demolished the windows, mirrors, household articles and toilet etc., worth about Rs.50,000/-. It is a case and case in counter. The investigation is not yet completed. Hence, he strongly opposed to grant anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and also considering the fact that it is a case and case in counter, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners shall pay a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of Crime No.1232 of 2022,** without prejudice to their rights and contentions before the trial Court.

7.On production of such receipt, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court No.IV, 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 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;

https://www.mhc.tn.gov.in/judis

WEB COPY

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

(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 abscond, a fresh FIR can be registered under Section 229-A IPC.

Sd/-
24/11/2022

/ TRUE COPY /

/12/2022

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

DSS

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,
   TRICHY DISTRICT..

2. -DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
   TRICHY DISTRICT.

3. THE INSPECTOR OF POLICE,
   WORAIYUR POLICE STATION, TRICHY.

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

+1. CC to M/S.ARUMUGAM C M Advocate SR.No.13689

ORDER
IN
CRL OP(MD) No.20758 of 2022
Date :24/11/2022

https://www.mhc.tn.gov.in/judis

SP/BUC/SAR III/02/12/2022/3P/6C