



WEB COPY



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/12/2022

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.21633 of 2022

1. Selvam
2. Thiyagarajan
3. Balachandar
4. Ponnusamy

... Petitioners/Accused
No.1 to 4

Vs

State rep.by
The Inspector of Police,
Theni Police Station,
Theni District
(Crime No.405 of 2022).

... Respondent/Complainant

For Petitioners : M/s.Ramasamy.S, Advocate.

For Respondent : Mr.K.Sanjay Gandhi,
Government Advocate (Crl.Side)

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

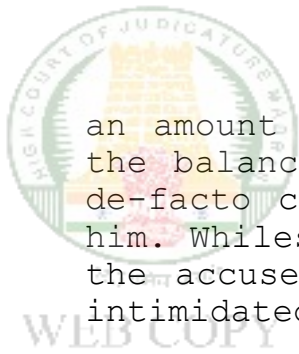
PRAYER :-

For Anticipatory Bail in Crime No.405 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 323 and 506(i) IPC in Crime No.405 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant Balamurugan, is that on 30.11.2022 at about 01.30 p.m., when he was in his office, one Advocate Selvam informed him that his friend document writer Sudhakar's house was for sale and the rate was fixed at Rs.83,00,000/- and that the said Sudhakar had to pay one Prabhu



an amount of Rs.12,50,000/- and he has to pay that amount and pay the balance of Rs.70,00,000/- for purchasing the house. Later, the de-facto complainant found that the accused had attempted to cheat him. While so when he was standing near the Theni Registrar's Office, the accused had abused him in filthy language and also criminally intimidated him. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and a false complaint has been given. He would further submit there was a dispute between the petitioners and the de-facto complainant Balamurugan with regard to purchasing the property, due to which, a false complaint has been given. He would further submit that on the complaint given by the first petitioner that they were assaulted in the Registrar's Office, a case in Crime No.404 of 2022 has been registered by the respondent police. Only as a counter blast, the present complaint has been given. He would further submit that the petitioners are the victim in the case and they have been assaulted by the de-facto complainant and his friend. Hence, he seeks anticipatory bail.

4.The learned Government Advocate (Crl. side) would submit that the first petitioner and the de-facto complainant are Advocates. During the quarrel in respect of selling the property, the petitioners and the de-facto complainant assaulted each other and a case and case in counter has been registered. Hence, he vehemently opposed for grant of anticipatory bail.

5.Heard. Perused the materials available on record.

6.Taking into consideration the facts and the submissions made by both the counsels, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on anticipatory bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Theni on condition that the petitioners shall execute 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 condition 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 petitioners shall report before the respondent police every day at 10.30 a.m for a period of one week and thereafter every Saturday at 10.30 a.m., 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

Sd/-

07/12/2022

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/12/2022

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

SJI

TO

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

+1. CC to M/S.RAMASAMY.S Advocate SR.No.14546

ORDER

IN

CRL OP(MD) No.21633 of 2022

Date :07/12/2022