



WEB COPY



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 13/12/2022

PRESENT

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

CRL OP(MD) . No.21978 of 2022

1. Saravanan
2. Vijayalakshmi

... Petitioners/Accused
No.2 & 3

Vs

State rep.by
The Inspector of Police,
Thilagar Thidal Police Station,
Madurai City.
(Crime No.917/2022).

... Respondent/Complainant

For Petitioner : M/s. Anbarasu S R, 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.917/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 323, 324 and 506(2) IPC in Crime No. 917 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution as per the De-Facto Complainant, is that he is a tenant under A2 / first petitioner herein and he has been running a tyre shop after paying a sum of Rs.29,00,000/- as advance. While so, there was a dispute with regard to the property between A1 and his family members. During the Covid pandemic situation, the defacto complainant was not able to run a business



properly and in that circumstances, A2 had attempted to evict him by force and thereby, the defacto complainant has filed a suit in O.S.No.597 of 2018 on the file of District Court, Madurai seeking a relief not to evict other than by due process of law. While so, the defacto complainant on 26.11.2022 attempted to open the shop in order to get back the articles stored in and at that time, the accused persons along with Advocate have demanded a sum of Rs.10,00,000/- for opening a shop and attacked him with wooden log and also abused the defacto complainant in filthy language. Hence, the complaint.

3.The learned Counsel for the Petitioners would submit that there was a civil dispute between A1 and his brother and that his brother had attempted to induct the defacto complainant illegally as tenant and that the defacto complainant has filed a suit against the petitioners. He would further submit that a counter case has also been registered against the defacto complainant and seeks anticipatory bail.

4.The learned Government Advocate (Crl. Side) would submit that the defacto complainant is tenant under the petitioners and that the defacto complaint has filed a suit and the same is pending before the Court below. He would further submit that the petitioners along with Advocates attempted to evict the defacto complainant by force and also criminally intimidated him and hence, he opposes to grant anticipatory bail.

5.Heard the learned counsels. Taking into consideration the facts and circumstances of the case and that it is a case of civil dispute, 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 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 No.II, Madurai** 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed 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 everyday at 6.30 p.m., for a period of two weeks, thereafter every Saturday 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]**.

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

Sd/-

13/12/2022

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/12/2022

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

TRP

TO

1. THE JUDICIAL MAGISTRATE NO.II,
MADURAI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
THILAGAR THIDAL POLICE STATION,
MADURAI CITY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S. ANBARASU S R Advocate SR.No.14819

ORDER

IN

CRL OP(MD) No.21978 of 2022

Date :13/12/2022