



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Crl.O.P.No.1881 of 2023

1. K. Gopi Balaji,
2.M. Uma Shankar

Petitioners

Vs...

State represented by
The Inspector of Police,
Vadavalli Police Station,
Coimbatore District.

Respondent

Prayer:- Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on Anticibatory bail in Crime No.522 of 2022 on the file of the Inspector of Police, Vadavalli Police Station, Coimbatore District.

For Petitioners : Mr.S. Apunu
For Respondent : Mr.N. Muthuvel
Government Advocate (Crl. Side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under section 448, 294(b), 323, 379 & 506(i) of IPC in Crime No.522 of 2022 seek anticipatory bail.



2.The case of the prosecution is that there are five accused in this case. The present petitioners are A2 and A3. The defacto complainant is wife of A-1 who has been given tenancy of A2, in which the defacto complainant is residing along with A1 and due to matrimonial dispute between the A1 and the *de facto* complainant separated and A2 demanded the defacto complainant to vacate the house since rent has not been paid for the house occupied by her. The same was refused by the defacto complainant. Hence, A2 to A5 went to the house of the defacto complainant and picked up quarrel with her and sprinkled chilli powder on her face and pulled her down and also taken away the gold ornaments and cash of Rs.50,000/- belong to her. Hence, this complaint.

3.The learned counsel appearing for the petitioners submitted that despite the occurrence taken place in the month of May, 2022, FIR has been registered recently. A2 is the owner of the house who requested the defacto complainant to vacate the house since rent of the house has not been paid by her for two years. In order to avoid the same, she preferred a false complaint against the petitioners. The petitioners are no way connected with the occurrence as alleged by the prosecution and they have been falsely implicated in this case. Further he submits that the bail petition is filed for



the second occasion since the first bail application in Crl. O.P. No.32529 of 2022 was dismissed by order dated 28.12.2022 of this Court. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) submitted that there are totally five accused and the petitioners are A2 and A3. Due to landlord and tenant dispute, the petitioners and others have been continuously giving threat to the *de facto* complainant and also taken away Gold ornaments and cash of Rs.50,000/- belong to her. Investigation of this case is almost completed. In view of the gravity of the offence, he strongly opposed to grant Anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case, and also considering the submission of the learned Government Advocate (Crl. Side) that the investigation of this case is almost completed, 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 of receipt of copy of this order, before the **learned Judicial Magistrate VI, Coimbatore**, on condition that each of 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 of the **learned Judicial Magistrate VI, Coimbatore**, and on further condition that:

[a] each of the petitioners shall deposit a sum of Rs.25,000/- (**Rupees Twenty Five Thousand Only**) each to the credit of Crime No.522 of 2022 before the **Learned Judicial Magistrate-VI, Coimbatore** within a period of two weeks from the date of receipt of copy of this order.

[b] 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.

[c] the petitioners are directed to report before the respondent police on every day at 10.30 a.m., until further orders.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.



[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner 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]**;

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

06.02.2023

Lbm



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CRL.O.P.No.1881 of 2023

A.A.NAKKIRAN.,J

Lbm

To:

1. The learned Judicial Magistrate-VI, Coimbatore.
2. The Superintendent
The Coimbatore District.
3. The Inspector of Police,
Vadavalli Police Station,
Coimbatore District.
4. The Public Prosecutor,
High Court, Madras.

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