



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.01.2023

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

WEB COPY

CRL.O.P(MD)No.173 of 2023

1.Sundararaju

2.Karuppaiya

...Petitioners/Accused Nos 1 & 2

-vs-

The State represented by
The Inspector of Police,
Udaiyalipatti Police Station,
Pudukottai District.
(Cr.No.183 of 2022)

...Respondent/Complainant

For Petitioners : Mr.D.Rameshkumar, Advocate

For Respondent : Mr.P.Kottai Chamy
Government Advocate (Crl.side)

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

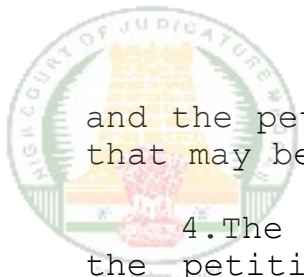
PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioners on bail in the event of their arrest in connection with Cr.No.183 of 2022 on the file of the respondent Police.

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 188, 206, 427 and 448 of IPC in Crime No.183 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 the petitioners have borrowed a housing loan from the de-facto complainant bank and failed to repay the same. Hence, the de-facto complainant after obtaining necessary permission from the jurisdictional Magistrate, sealed the dwelling house of the petitioners. However, the petitioners have broke open the seal and entered into the premises. 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 also submit that the petitioners did not break open the seal



and the petitioners are ready to abide by any stringent conditions that may be imposed on them.

4. The learned Government Advocate (crl.side) would submit that the petitioners have borrowed a housing loan from the de-facto complainant bank and failed to repay the same. Hence, the de-facto complainant after obtaining necessary permission from the jurisdictional Magistrate, sealed the dwelling house of the petitioners. However, the petitioners have broke open the seal and entered into the premises. He would oppose for grant of anticipatory bail to the petitioners.

5. Heard the learned Counsel. Taking into consideration the facts and submissions and also on perusing the materials available on record including the F.I.R., 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 Court No.I, Pudukottai, 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 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]**.



CRL.O.P(ML)



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

sd/-
05/01/2023

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

CMR

TO

- 1 THE JUDICIAL MAGISTRATE NO.I
PUDUKOTTAI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
UDAIYALIPATTI POLICE STATION,
PUDUKOTTAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.173 of 2023
Date :05/01/2023

PKP/SSS/SAR-2/12.01.2023/3P/5C