



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.01.2023

PRESENT

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

CRL.O.P (MD) No.199 of 2023

WEB COPY

1.Jothibasu

2.K.Manisekar

...Petitioners/Accused 1&2

-vs-

The State represented by
The Inspector of Police,
C-1, Thideer Nagar Police Station,
Madurai City, Madurai.
(in Cr.No.741 of 2022)

...Respondent/Complainant

2.P.Muthulakshmi

...Intervene Petitioner/
Defacto Complainant
IN CRL MP (MD) No.850 of 2023

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 by the respondent Police with respect to Cr.No.741 of 2022.

For Petitioners : Mr.G.Sakthi Rao, Advocate

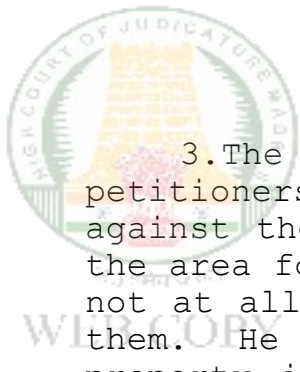
For Respondent : Mr.P.Kottai Chamy
Government Advocate (Crl.side)For Intervenor : M/S.SARAVANAN.P,
Advocate

O R D E R

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 427 and 506(i) of IPC in Crime No.741 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 she is the owner of a property in P.No.37 at Block V, Thideer Nagar, Madurai and that patta has been granted in her favour. Due to rain, her house was damaged and when she was taking steps to put up a tin sheet, the accused with an intention to grab the property has damaged the wall and trespassed into the property and when it was questioned by the de-facto complainant, they

<https://www.madras.hq.judis.gov.in/> intimidated her. Hence, the complaint.



3.The learned Counsel for the petitioners would submit that the petitioners are innocents and a false complaint has been given against them. He would also submit that petitioners are living in the area for the past 30 years and the de-facto complainant, who has not at all living in the area, has given a false complaint against them. He would further submit that a civil suit in respect of the property in dispute is also pending in O.S.No.943 of 2023 on the file of the Principal District Munsif Court, Madurai. He would seek for anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.side) would submit that the petitioners have trespassed into the house of the de-facto complainant and have also damaged the wall and criminally intimidated her. He would oppose for grant of anticipatory bail to the petitioners.

5.The learned Counsel for the intervener would submit that the petitioners have trespassed and damaged the house of the de-facto complainant and also criminally intimidated her. He would oppose for grant of anticipatory bail to the petitioners.

6.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.

7.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-5, Madurai, Madurai 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 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., for a period of two weeks and 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.

8.It is made clear that the observation made in this petition are only for the purpose of deciding this petition and they will not have any bearing in the civil suit pending between the parties.

sd/-

23/01/2023

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/02/2023

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

cmr

TO

1.THE JUDICIAL MAGISTRATE-5, MADURAI, MADURAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

3 THE INSPECTOR OF POLICE,
C-1, THIDEER NAGAR POLICE STATION,
MADURAI CITY, MADURAI

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

+1 CC to M/s.SAKTHI RAO G , Advocate (SR-989[I] dated 23/01/2023)

ORDER

IN

CRL OP(MD) No.199 of 2023

Date :23/01/2023

RK/SSS/SAR-1 (31/01/2023) 4P/6C