



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 09/01/2023
PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.471 of 2023

1. Sabrinathan
2. Saminathan
3. Mariammal

... Petitioners/Accused Nos.1 to 3

Vs

The State rep.by
The Sub Inspector of Police,
Swamymalai Police Station,
Thanjavur District.
Crime No. 460/2022.

... Respondent/Complainant

For Petitioners : M/s.SEBASTINAL PREETHI.V, 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. 460 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 448, 506(ii) I.P.C, in Crime No.460 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to property dispute, on 01.06.2022 at about 07.30 PM, the accused persons criminally trespassed into the house of the defacto complainant, abused and criminally threatened her with dire consequences. They also caused damages to the refrigerator. Hence, the complaint.

3. The learned counsel for the petitioners submitted that the petitioners are innocent and had not committed any offence, as alleged by the prosecution. The first petitioner had purchased the disputed property from its owner, vide Doc.No.2574 of 2022, on the file of District Registrar Office, Kumbakonam, out of the income of the second petitioner. Only the defacto complainant, who trespassed into the property and demanded money. The defacto complainant is



giving criminal colour to a civil dispute. Hence, prays to grant the petitioners on anticipatory bail.

4. The learned Government Advocate (Crl.Side) submitted that the petitioners are not having any bad antecedent in their credit. In this case, the accused persons criminally trespassed into the disputed property and caused damages to the refrigerator and also criminally threatened him with dire consequences, knowing well that the defacto complainant had purchased the property from its original owner. Hence, prays to dismiss the petition.

5. Considering the facts and circumstances of the case and the petitioners are not having any bad antecedent and the nature of dispute between the parties, this Court is inclined to grant anticipatory bail to the petitioners with stringent conditions.

6. Accordingly, this Criminal Original Petition is allowed on condition that the petitioners shall deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) to the credit of Cr.No.460 of 2022 before the trial Court concerned, without prejudice to his rights and contentions before the trial Court.

7. On such deposit being made, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned **Judicial Magistrate No.II, Kumbakonam**, 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 learned Magistrate concerned and the petitioners shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-

09/01/2023

/ TRUE COPY /

/01/2023

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

PNM

TO

1 THE JUDICIAL MAGISTRATE NO.II,
KUMBAKONAM.

<https://www.mhc.tn.gov.in/judis>



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE SUB INSPECTOR OF POLICE,
SWAMYMALAI POLICE STATION,
THANJAVUR DISTRICT.

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

ORDER

IN

CRL OP (MD) No.471 of 2023

Date :09/01/2023

SA/BUC/SAR.2/19.01.2023/3P/5C