



WEB COPY

CRL OP(MD)



23

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

Date : 10/01/2023

PRESENT

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

CRL OP(MD). No.580 of 2023

1.Mosses Duraikan Samuel
2.Sammangalaraj Mosses Duraikan
3.Rajkumar ... Petitioners/Accused 1 to 3

Vs.

The State Rep. by
The Inspector of Police,
Karur Town Police Station,
Karur District
Crime No.136 of 2020 ... Respondent/Complainant

For Petitioners : Mr.K.Muthu Ganesa Pandian
For Respondent : Mr.P.Kottai Chamy
Government Advocate (Crl.Side)

PETITIONS FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.136 of 2020 on the file of the Respondent Police.

COMMON ORDER : The Court made the following order :-

The petitioners/Accused Nos.1 to 3 apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 176, 506(i) IPC in Crime No.136 of 2020 on the file of the respondent, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Kandasamy is that the accused is the pastor along with his son in Lebanon Church and they have misbehaved with lady believers and they have grabbed the property of Nachammal, who is the relative of the defato complainant. After knowing the same, the defacto complainant had questioned them and the accused threatened him with dire consequences. Hence, the complaint.

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



3. The learned counsel for the petitioners would submit that the first petitioner had purchased a property from one Nachammal by a registered sale deed dated 26.08.2015 after paying the consideration of Rs.8,35,000/- and the said Nachammal was also attending the church run by the first petitioner and she did not have any grievance against the petitioners. While so, she died in the year 2018 and the defacto complainant, who is her relative, came to know the earlier sale and he gave a false case out of frustration to extort money by causing harassment with *malafide* intention and the case is filed in the year 2020 and the petitioners are ready to appear before the respondent as and when required for interrogation and the petitioner has filed Crl.O.P(MD)No.15964 of 2020 for quashing the First Information Report and orders have been reserved in that matter.

4. The learned Government Advocate (Crl.Side) submitted that the defacto complainant is a relative to one Nachammal and the said Nachammal was attending the church run by the accused and they have grabbed her property and when the same was questioned by the defacto complainant, the accused intimidated him. Hence, prays to dismiss the petition.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate No.1, Karur**, 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 Station every Monday at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation;

[c] the petitioners shall not tamper with the 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]**; and;

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

sd/-
10/01/2023

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/01/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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To,

1. The Judicial Magistrate No.1, Karur.
2. Do Through The Chief Judicial Magistrate, Karur.
3. The Inspector of Police,
Karur Town Police Station,
Karur District
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.580 of 2023
Date : 10/01/2023

TR/VR/SAR-II(20.01.2023) 3P 5C