



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/02/2023

WEB COPY

PRESENT

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

CRL OP(MD) . No.1555 of 2023

1. Sahul Hameed,

2. V.Mohan,

... Petitioners/Accused Nos. 1 & 2

Vs

State Rep.by
The Inspector of Police,
Thiruneelakudi Police Station,
Thanjavur District.
Crime No.61 of 2023.

... Respondent/Complainant

M.Jainulapdeen

...Intervener/Defacto Complainant
IN CRL MP(MD)NO.1749 of 2023

For Petitioner : M/s.Ramanathan.AN, Advocate.

For Respondent : Mr.M.Veeranthiran,
Government Advocate (Crl.Side)

For Intervenor : Mr.K.S.Duraipandian, Advocate
IN CRL MP(MD)NO.1749 of 2023

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

PRAYER :-

For Anticipatory Bail in Crime No.61 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 441, 427 and 506(ii) of I.P.C., in Crime No.61 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, <https://www.mhctn.gov.in/judice> is running a furniture shop in the name of Udhayam



Furniture Mart for the past 11 years, on 10.02.2021, the petitioner had taken an amount of Rs.10,00,000/- and had executed a sale agreement with him and thereafter, he had not executed the sale deed. Thereby, the de-facto complainant had filed a specific performance suit in O.S.No.171 of 2022 before the learned Additional District Judge, Kumbakonam and the case is pending. While so on 22.01.2023 at around 08.00 a.m., when he had gone to the shop, he had seen the petitioners and ten other persons, who have covered their face with mask, have trespassed into his shop and damaged the furnitures in the shop. Hence, the case.

3.The learned counsel for the petitioners would submit that the first petitioner, is none other than the son-in-law of the de-facto complainant and earlier, there are civil suits pending between the first petitioner and the de-facto complainant and thereby, a false complainant has been given. He would further submit that the petitioners have not committed any offence. However, he would also submit that the petitioners, without prejudice to their defence, are ready and willing to deposit Rs.50,000/- each to the credit of Crime No.61 of 2023 before the concerned Magistrate. Hence, he would seek for anticipatory bail.

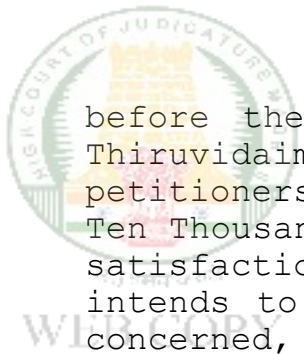
4.The learned Government Advocate (Crl. side) would submit that the first petitioner is the son-in-law of the de-facto complainant and he along with his friend Mohan/second petitioner and ten other persons have trespassed into the shop of the de-facto complainant and had caused extensive damage to the furnitures in the shop to the tune of Rs.7,00,000/- and hence, he would object for grant of anticipatory bail.

5.The learned counsel for the intervenor would submit that though the first petitioner being the son-in-law of the de-facto complainant, had attempted to grab the property belonging to the de-facto complainant and he has also caused damage to the furnitures in the shop to the tune of Rs.7,00,000/- and hence, he vehemently opposed to grant anticipatory bail to the petitioners.

6.Heard. Perused the materials available on record including the First Information Report.

7.Taking into consideration of the facts and circumstances of the case and that the petitioners, to their *bona fides*, are ready and willing to deposit Rs.50,000/- each to the credit of Crime No.61 of 2023 before the learned Judicial Magistrate-cum-District Munsif Court, Thiruvidadimaruthur, Thanjavur District, this court is inclined to grant anticipatory bail to the petitioners, with certain conditions:

8.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of 15 days from the date on which the order copy made ready,



before the learned Judicial Magistrate-cum-District Munsif, Thiruvidaimaruthur, Thanjavur 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] each of the petitioners shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand Only) to the credit of Crime No.61 of 2023 before the learned Judicial Magistrate-cum-District Munsif Court, Thiruvidaimaruthur, Thanjavur District at the time of furnishing sureties.

[c] the petitioners shall report before the respondent Police, daily 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 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].

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

sd/-
08/02/2023

/ TRUE COPY /

/02/2023

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

SJI
TO

1 THE JUDICIAL MAGISTRATE,
CUM DISTRICT MUNSIF, THIRUVIDAIMARUTHUR,
THANJAVUR DISTRICT.

<https://www.mhc.tri>



2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THANJORE DISTRICT @ KUMBAKONAM

3 THE INSPECTOR OF POLICE
THIRUNEELAKUDI POLICE STATION,
THANJAVUR DISTRICT.

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

+1 CC to M/s.AN.RAMANATHAN, Advocate (SR-2063[I] dated 09/02/2023)

ORDER

IN

CRL OP(MD) No.1555 of 2023

Date :08/02/2023

PKP/SB/SAR-4/13.02.2023/4P/6C