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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/03/2023

PRESENT

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

CRL OP(MD) . No.4066 of 2023

1. Somasundaram

2. Chitra

3. Ganesan

4. Manjula

... Petitioners / Accused No.1 to 4

Vs

The State rep by
The Inspector of Police,
Alanganallur Police Station,
Madurai District.
(Crime No.68 of 2023).

... Respondent / Complainant

For Petitioner : M/s.Prahalad Ravi.B,
Advocate.

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.68 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 to A4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294 (b) and 506 (i) of I.P.C. r/w Section 4 of Tamil Nadu Prohibition of Women Harassment Act and Section 24 of Maintenance Welfare of Parents and Senior Citizen Act, 2007, in Crime No.68 of 2023 on the file of the respondent police, seek anticipatory bail.



2.The case of the prosecution as per the de-facto complainant Panchavarnam, is that she had constructed shops with her minimum sources and let it for rent to the accused and the accused taking advantage of her old age, have refused to pay the rent and also threatened her to sell the property and they have also abused her in filthy language. Hence, the case.

3.The learned counsel for the petitioners would submit that the second petitioner is a tenant under the de-facto complainant and there was a tenancy dispute and the de-facto complainant attempted to evict the petitioners without following the due process of law, in respect of which, the petitioners have filed a civil suit in O.S.No.149 of 2022 on the file of the District Munsif Court Vadipatti and the de-facto complainant has also filed a petition for eviction, while the civil disputes are pending, a false complaint has been given. Hence, he would seek for anticipatory bail.

4.The learned Government Advocate (Crl. side) appearing for the respondent would submit that the de-facto complainant had constructed shops with her minimum sources and let it for rent to the accused and the accused taking advantage of her old age, have refused to pay the rent and also threatened her to sell the property and they have also abused her in filthy language. Hence, he vehemently opposed for grant of anticipatory bail.

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

6.Taking into consideration of the facts and circumstances of the case, 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, Vadipatti 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, at 10.30 a.m., for a period of two weeks and thereafter, on



every Saturday 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].

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

sd/-

02/03/2023

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

SJI

TO

1. The Judicial Magistrate, Vadipatti.
 2. Do-Through The Chief Judicial Magistrate,
Madurai District.
 3. The Inspector of Police,
Alanganallur Police Station,
Madurai District.
 4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.B.PRAHALAD RAVI, Advocate (SR-3333[I] dated 03/03/2023)

ORDER

IN

CRL OP(MD) No.4066 of 2023

Date :02/03/2023