



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 18/05/2023
PRESENT

WEB COPY

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD) . No.8903 of 2023

1.Murugaiyan

2.Shobana

3.Alagumani

... Petitioners/Accused 1 to 3

Vs.

State rep.by
The Inspector of Police,
Thanjavur West Police Station,
Thanjavur District.
In Crime No. Not known /2023

... Respondent/Complainant

For Petitioners: Mr.A.UKKIRAPANDIAN, Advocate

For Respondent : Mr.SS.MADHAVAN,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.Not known of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 341, 445 and 506(ii) IPC, in Crime No.Not known of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners had obtained loan from the Cholamandalam Finance Company, thereafter, they have not paid the interest amount and also the loan amount. Hence, the finance company got order from the trial Court and taking the possession of the petitioners' house. In that circumstances, the petitioners have entered into their house and took the house hold articles and dresses, when the same was questioned by the defacto complainant, the petitioners abused him and also threatened him with dire consequences. Hence, the complaint.



3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution.

4. The learned Government Advocate (Crl.Side) would submit that there was a money dispute, between the parties, the petitioners illegally trespassed into their house and took their house hold articles.

5. Considering the facts and circumstances of the case and also considering the fact that there is no third party claim over the articles, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, 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.I, Thanjavur, 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 **(of which one shall be a blood related surety)** each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioners shall report before the respondent police weekly twice on every Monday and Saturday at 10.30 am., for a period of three months 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/-
18/05/2023

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/ TRUE COPY /

23/05/2023

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

DAS

TO

- 1 THE JUDICIAL MAGISTRATE NO.I,
THANJAVUR, THANJAVUR DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE,
THANJAVUR WEST POLICE STATION,
THANJAVUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.UKKIRAPANDIAN Advocate SR.No.7779 (I) Dt.22/05/2023

ORDER

IN

CRL OP(MD) No.8903 of 2023

Date :18/05/2023

SA/CG/SAR. /23.05.2023/3P/6C