



CRL OP(MD). No.12871 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/09/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.12871 of 2023

Ravindran

... Petitioner/Sole Accused

Vs

The State, represented by
The Inspector of Police,
Thanjavur Town West Police Station,
Thanjavur District.
(Crime No.694 of 2023).

... Respondent/Complainant

For Petitioner : Mr.J.Milton Arul Rajendran,
Advocate.

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

For Intervener : Mr.B.Vetrivel, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.694 of 2023 on the file of the Respondent Police.



CRL OP(MD). No.12871 of 2023

ORDER : The Court made the following order :-

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The petitioner/Sole Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 339, 340, 406, 420, 120(b), 506(i) IPC, in Crime No.694 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 01.03.2023 after demise of the father of defacto complainant, the petitioner unlawfully entered into the petitioner's house and he is not permitting the defacto complainant to enter into the house, which was occupied by her father as tenant. Hence, the complaint.

3. By the order dated 10.08.2023, the petitioner was directed to permit the defacto complainant to enter into the house, which was occupied by her father as tenant and the respondent was directed to take the defacto complainant to the house of the petitioner and verify the availability of the articles and documents, which contains the list of 59 articles.

4. Now the grievance of the defacto complainant is that out of the above said 59

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CRL OP(MD). No.12871 of 2023

articles, some of the documents mentioned in item No.12 is not found.

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5. Whether the above said document was available in the house at that time of the deceased entered into the premises is the matter for investigation. It appears that after the divorce, the deceased was living as tenant in the said premises, which belongs to the petitioner. The defacto complainant is the daughter of the deceased.

6. According to the learned counsel for the petitioner, deceased was not taken care even by this defacto complainant. All along, the deceased was taking care by the petitioner in course of time and he gave money for the deceased to meet out the medical treatment. So, the deceased also executed an un-registered sale deed in favour of the petitioner, over which, he filed a suit before the Sub Court, Chengalpat, for some relief, which is stated to be pending.

7. In view of the above said development, the this Criminal Original Petition is allowed and petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate No.I, Thanjavur, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned



CRL OP(MD). No.12871 of 2023

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Magistrate concerned and the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8. The petitioner 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. However, liberty is granted to the respondent that if any necessity arises for subjecting the petitioner to custodial interrogation with regard to availability or non-availability of the above said articles, they can approach the concerned trial Court for appropriate orders.

sd/-
05/09/2023

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/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

indu

TO

1. THE JUDICIAL MAGISTRATE NO.I, THANJAVUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR @ KUMBAKONAM.



CRL OP(MD). No.12871 of 2023

3. THE INSPECTOR OF POLICE,
THANJAVUR TOWN WEST POLICE STATION,
THANJAVUR DISTRICT.

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

+2 CC to M/s.J.MILTON ARUL RAJENDRAN, Advocate (SR-13249[I] dated
05/09/2023)

ORDER
IN
CRL OP(MD) No.12871 of 2023
Date :05/09/2023

RK/DD (11/09/2023) 5P / 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023