



CRL OP(MD)No.18366 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13.10.2023

PRESENT

The Hon`ble MR JUSTICE V.SIVAGNANAM

CRL OP(MD)No.18366 of 2023

1.Krishnamurthy
2.Stalin @ Mookan
3.Prabhakaran

... Petitioners/ Accused 1 to 3

Vs

The Inspector of Police,
Woraiyur Police Station,
Trichy District.
(Crime No.1811 of 2023)

... Respondent/ Complainant

Umanath @ Vijayaragavan

... Intervene Petitioner/ Defacto Complainant
In Crl.MP(MD).14631/2023 in Crl.OP(MD).18366/2023

For Petitioners : Mr.N.ANANDAKUMAR, Advocate

For Respondent : Mr.R.SURESH KUMAR, Government Advocate (Crl. Side)

For Intervnor : Mr.K.ARUNRAJ, Advocate

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

PRAYER :- For Anticipatory Bail in Crime No.1811 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 offences punishable under Sections 448, 420, 294(b), 506(i), 379 IPC in Crime

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



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No.1811 of 2023, seek anticipatory bail.

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2.The case of the prosecution is that the defacto complainant is the tenant in shop No.6 of 1st floor, Sri Ambika Complex, Puthur High Road, Trichy. Previously, one Prabhakaran belongs to the defacto complainant's political party was a tenant in the very same shop owned by the first petitioner and being the owner of the said Ambika Complex, there was a dispute between the owner and the said Prabhakaran, who is the third petitioner and there was a civil suit was also pending between them. In the said circumstances, the defacto complainant called upon them and compromised the issue between them and the said Prabhakaran also vacated the shop. Thereafter, the defacto complainant wanted the shop and he requested the first petitioner to let out the shop for rent and as such, Rs.50,000/- was fixed as advance and Rs.5,000/- per month was fixed as rent. Instead of executing a rental agreement, the first petitioner simply acknowledged in the back side of the rental agreement between the first and third petitioners herein. Thereafter, the defacto complainant regularly paid the rent. The third petitioner falsely stated to the first petitioner as if the defacto complainant said to have demanded to collect a sum of Rs.4,00,000/- from the first petitioner for vacating the shop and there is an enquiry is also pending in CSR.No.486 of 2023 dated 21.06.2023. Thereafter, petitioners herein broke open the door of the defacto complainant's shop and stolen all the goods. On 08.08.2023, at



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about 11.00 am, the defacto complainant found that the lock up put up by him was removed and the first petitioner was inside the shop with a sewing machine and threatened the defaco complainant with dire consequences and also abused him in filthy language. Hence the case.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Hence, he seeks anticipatory bail.

4.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that the third petitioner herein was arrested and investigation is not yet completed.

5.On perusal of records, it is noticed that the third petitioner is arrested by the police. Hence, this petition is dismissed as against the third petitioner.

6.Considering the facts and circumstances of the case and taking into consideration the principles stated by the Honourable Supreme Court in Gurubaksh Singh Sibbia Etc., vs. State of Punjab reported in 1980 AIR 1632 and Lal Kamendra Pratap Singh vs. State of Uttar Pradesh and others reported in (2009)4 SCC 437 and Joginder Kumar vs. State of U.P. and others reported in (1994)4 SCC 260 and taking into consideration the origin of crime, it is seen that the offence alleged as against the petitioners is not a case of heinous crime. Further the petitioners are having



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permanent residents at Trichy District. Hence the principles stated in Hussainara Khatoon & Ors vs. Home Secretary, State Of Bihar reported in AIR 1979 SC 1360 is taken into consideration. In that case, the Hon'ble Supreme Court has cautioned that pre-trial detention is not to be encouraged nor is to be encourageable pre-trial release on sureties; that if the Court is satisfied after taking into consideration that the accused has his roots in the community and is not likely to abscond, he can safely be released on his personal bond.

7. In view of the above, this Court is inclined to grant anticipatory bail to the petitioners 1 and 2. Accordingly, the petitioners 1 and 2 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 No.IV, Trichy on condition that the petitioners shall execute a own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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 1 and 2 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.



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[b] the petitioners 1 and 2 shall report before the trial Court on summons.

[c] the petitioners 1 and 2 shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 1 and 2 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 1 and 2 in accordance with law as if the conditions have been imposed and the petitioners 1 and 2 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 absconds, a fresh FIR can be registered under Section 229A IPC.

8. Accordingly, this criminal original petition is partly-allowed.

sd/-
13/10/2023

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/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS
TO
1 THE JUDICIAL MAGISTRATE NO.IV, TRICHY.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, TRICHY DISTRICT.

<https://www.mmc.tn.gov.in/judis>



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3 THE INSPECTOR OF POLICE,
WORAIYUR POLICE STATION,
TRICHY DISTRICT.

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

+1 CC to M/s.N.ANANDAKUMAR, Advocate (SR-15218[I] dated 16/10/2023)

ORDER IN
CRL OP(MD) No.18366 of 2023
Date :13/10/2023

SA/VRS/SAR. /01.11.2023/6P/6C

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