



CRL OP(MD). No.19402 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 26/10/2023

PRESENT

The Hon`ble Mr.Justice R.SAKTHIVEL

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1. Muthu Kubendran @ Karthi

2. Ganesh @ Muthuganes

... Petitioners / Accused No.1 & 2

Vs

State rep by
The Inspector of Police,
SS Colony Police Station,
Madurai District.
(Crime No.1548/2023.)

... Respondent / Complainant

For Petitioners : Mr.R.Selvaraj, Advocate
For Respondent : Mr.M.Sakthi Kumar,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.1548/2023 on the file of the
Respondent Police

ORDER : The Court made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of the
respondent police for the alleged offence punishable under Sections 452, 294(b), 323,



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506(i) I.P.C, in Crime No.1548 of 2023, on the file of the respondent, filed this petition under Section 438 of Cr.P.C praying to grant an order of pre-arrest bail.

2. The case of the prosecution is that on 17.10.2023, the accused persons criminally trespassed into the house of the defacto complainant and attacked him with dire consequences. Hence, the defacto complainant lodged a complaint against the petitioners and the same was registered in Crime No.1548 of 2023 under Sections 452, 294(b), 323, 506(i) I.P.C.

3. The learned counsel for the petitioners submitted that the petitioners are the owners of the house and the defacto complainant is a tenant. Landlord and tenant dispute is subsisting between the petitioner and the defacto complainant. Hence, the defacto complainant has filed a false complaint against the petitioners. Hence, prayed to allow the petition.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioners are not the owners of the house, but their father is the owner of the house, where the defacto complainant is a tenant. The petitioners had trespassed into the house of the defacto complainant and tried to evict her illegally. Further, he submitted that the petitioners had caused injury to the defacto complainant. Due to injuries, the defacto complainant was admitted in the hospital on 17.10.2023 and discharged from the hospital only on 20.10.2023. If



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bail is granted to the petitioners, the petitioners will cause threat to the defacto complainant. Hence, he prayed to dismiss the petition.

5. Heard on both sides. This Court has perused the records.

6. This Court has considered both side submissions. It is alleged that the defacto complainant is a tenant under the petitioners' father. It appears that landlord-tenant dispute is there between the petitioners and the defacto complainant. Considering the fact that the injured has been discharged from the hospital, the petitioners have no previous case, this Court is inclined to allow the petition, however subject to the conditions:-

7. This Criminal Original Petition is allowed. Pre-arrest bail order is granted to the petitioners subject to the following conditions:-

i) the petitioners are ordered to be released on bail in the event of their arrest or on their surrender before the learned Judicial Magistrate No.V, Madurai, within a period of 15 days from today, on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.V, Madurai;

(ii) the petitioners shall appear before the respondent police daily twice ie., at 10.00 a.m., and 5.00 p.m., until further orders;

(iii) the petitioners and the sureties shall affix their photographs and left



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thumb impression in the application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate may obtain a copy of any one of identity proof to ensure their identity;

(iv) the petitioners shall not tamper with the evidence or witness either during investigation or trial;

(v) the petitioners shall appear and co-operate with the Investigating Agency as and when required for investigation;

(vi) If the petitioners abscond, a fresh FIR shall be registered under Section 229 (A) of IPC;

(vii) on breach of any of the aforesaid conditions, the learned Magistrate is entitled to pass appropriate orders against the petitioners in accordance with law, as if the aforementioned conditions are imposed by themselves as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) 13 SCC 283].

sd/-
26/10/2023

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

PNM



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To தலைவர் அவர்கள்

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1.The Judicial Magistrate No.V,
Madurai.

2.Do through the Chief Judicial Magistrate,
Madurai District.

3.The Inspector of Police,
SS Colony Police Station,
Madurai District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.19402 of 2023

Date :26/10/2023

ED/VRS/SAR- (02/11/2023) 5P / 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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