



CRL OP(MD). No.22359 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/12/2023

PRESENT

The Hon`ble Mr.Justice V.SIVAGNANAM

CRL OP(MD). No.22359 of 2023

1. Karuppusamy,

2. Rani,

3. Lakshmi Prabha,

4. Angappan,

... Petitioners/ Accused Rank Not Known

Vs

The Inspector of Police,
Thanthonimalai Police Station,
Karur District.

Crime No.Not Know of 2023.

... Respondent/Complainant

For Petitioners : Mr.V.NAGARAJAN
Advocate.

For Respondent : Mr.RMS.SETHURAMAN,
Additional Public Prosecutor

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 offences punishable under Sections 341, 294(b), 323, 354, 506(2) of IPC r/w Section



CRL OP(MD). No.22359 of 2023

4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No. Not Known of 2023, seek anticipatory bail.

2. The case of the prosecution is that there is a civil dispute between the parties. The defacto complainant is the wife of one deceased Murugesan. The petitioners 1 and 2 are the brother and sister of the said Murugesan. The fourth petitioner is the brother of the defacto complainant. The petitioners 1 & 2 and the deceased Murugesan have their ancestral undivided property. After the demise of said Murugesan, the defacto complainant insisted the petitioners 1 and 2, to register the share of her husband/deceased Murugesan properties in her name. The petitioners 1 and 2 refused the same. But, they are ready to register the properties in the name of her children. 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. He would further submit that there was illegal intimacy with the defacto complainant and one Arun before the death of said Murugesan. After his demise, she married the said Arun and refused to take the children, who are aged about 17 years and 16 years under her custody. Hence, the petitioners 1 & 2 refused to register the property in her name. Hence, he seeks anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent police



CRL OP(MD). No.22359 of 2023

would submit that it is a family dispute between the parties. The case was registered in CSR.No.228 of 2023 and no previous case is pending against the petitioners.

5.Considering the nature of allegations levelled as against the petitioners 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 Kamlendra 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 permanent residence at Karur and Dindigul 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.

6.In view of the above, this Court is inclined to grant anticipatory bail to the petitioners. 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



CRL OP(MD). No.22359 of 2023

on which the order copy made ready, before the Additional Mahila Court at Magisterial Level, Karur. 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 shall affix his photograph 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 trial Court on summons.

[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].



CRL OP(MD). No.22359 of 2023

[f] If the accused thereafter absconds, a fresh FIR can be registered under

WEB COPY

Section 229A IPC.

sd/-
12/12/2023

/ TRUE COPY /

/12/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS
TO
1 THE ADDITIONAL MAHILA JUDGE
AT MAGISTERIAL LEVEL, KARUR.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, KARUR DISTRICT.

3 THE INSPECTOR OF POLICE,
THANTHONIMALAI POLICE STATION,
KARUR DISTRICT.

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

+1 CC to M/s.V.NAGARAJAN, Advocate (SR-17658[I] dated 13/12/2023)

ORDER IN
CRL OP(MD) No.22359 of 2023
Date :12/12/2023

SA/DD/SAR. /15.12.2023/5P/6C

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