



CRL OP(MD) No.587 of 2024

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

Friday, the Twelfth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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BALASUBRAMANIAN

....PETITIONER/ ACCUSED NO.1

Vs

**THE INSPECTOR OF POLICE
PARAMAKUDI TOWN POLICE STATION,
PARAMAKUDI,
RAMANATHAPURAM DISTRICT.
CR.NO.10/2024.**

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.PRADEEP, Advocate

For Respondent : MR.SS.MADHAVAN, Govt. Advocate (Crl. Side)

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

PRAYER:

**FOR ANTICIPATORY BAIL IN CR.NO.10/2024 ON THE FILE OF THE
RESPONDENT POLICE.**

ORDER : The Court Made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent



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police for the alleged offence under Section 147, 448, 427, 379(NH) of IPC r/w Section 3 of the TNPPDL Act, in Crime No.10 of 2024, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is one of the Trustee of Na.A.Ayyasamy Trust. The defacto complainant is the tenant under the said Trust and running a Hotel in the name of 'New Raja Hotel'. He made a complaint against the petitioner and others as if the petitioner along with other accused trespassed into his hotel and took away the 200 sovereigns of gold jewels and 10 kg of Silver articles.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the defacto complainant is a tenant under the Trustee. He has not paid the rent for the past 5 years. The total rent to be paid by the defacto complainant is Rs.8,75,000/- and the same was demanded by the petitioner, he foisted this false case against him in order to escape from vacating the premises. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the State submitted that it is purely a tenancy dispute between the parties. A common man cannot be have such huge valued articles in a road side hotel. However, the Law Enforcing Agency registered a case against the petitioner.

5. Considering the facts and circumstances of the case and also considering the



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fact that it is purely a tenancy dispute between the petitioner and the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is granted anticipatory bail and he is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate, Paramakudi, 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the sureties shall affix his photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure his identity;

(c) the petitioner shall report before the respondent police as and required for interrogation;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;



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(e) the petitioner shall not abscond either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
12/01/2024
/ TRUE COPY /

/01/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

TO

- 1 THE JUDICIAL MAGISTRATE,
PARAMAKUDI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.



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3 THE INSPECTOR OF POLICE
PARAMAKUDI TOWN POLICE STATION, PARAMAKUDI,
RAMANATHAPURAM DISTRICT.

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

+1 CC to M/s.B.ARUN, Advocate (SR-697[I] dated 12/01/2024)

ORDER
IN
CRL OP(MD) No.587 of 2024
Date :12/01/2024

PKP/VR/SAR /22.01.2024/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified
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