



CRL OP(MD) No.4334 of 2024

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

Tuesday, the Nineteenth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.4334 of 2024

1 BALASUBRAMANIYAN

2 PAKIAM @ MANGAYARKARASI

... PETITIONERS/ ACCUSED NO.1 & 2

Vs

State Rep.by

THE INSPECTOR OF POLICE

THIRUVERAMBUR POLICE STATION,

TRICHY DISTRICT.

CR.NO.471/2023

... RESPONDENT/COMPLAINANT

For Petitioners : MR.LENIN KUMAR, Advocate

For Respondent : MR.P.KOTTAICHAMY, Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL UNDER SEC 438 OF CR.P.C.

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO.471/2023 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 alleged offence under Sections 448, 506(i) and 380 of IPC, in Crime No.471 of 2023,
seek anticipatory bail.



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2. The case of the prosecution is that the first petitioner is the owner of the property and the defacto complainant is a tenant/lessee. A lease agreement was entered between them on payment of Rs.5,00,000/-. In such circumstances, the first petitioner demanded the defacto complainant to vacate the house, in order to sell the property, without returning the lease amount of Rs.5,00,000/-. Hence, the defacto complainant filed a suit in O.S.No.496 of 2023 on the file of the III Additional District Munsif Court, Trichy. Pending suit, the petitioners trespassed into the house of the defacto complainant and stolen Rs.25,000/- and 3 sovereigns of gold jewel. When the same was questioned by the defacto complainant, the petitioners threatened her with dire consequences. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. The petitioners are residing in Malaysia and she was employed by the petitioner for house keeping work. When the petitioners returned to India, they came to know that the defacto complainant is occupying the house and residing in it. When the petitioners requested to vacate the house, she filed a suit and foisted the false complaint in order to grab the property. So, he prays for granting anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) would submit that already civil



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suit is pending between the parties. Hence, he has no objection to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also considering the fact that civil suit is pending between the parties, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are granted anticipatory bail and they 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 of receipt of a copy of this order, before the learned Judicial Magistrate No.VI, Trichy, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, 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 petitioners 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 their 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 their identity;



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(c)the petitioners shall report before the respondent Police daily at 10.30 a.m., for a period of two weeks and thereafter, he shall report before the respondent Police as and when required;

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

(e)the petitioners 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 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]; and;

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

sd/-
19/03/2024

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/03/2024

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

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TO

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1 THE JUDICIAL MAGISTRATE NO.VI, TRICHY.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.

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

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

+1 CC to M/s.T.LENIN KUMAR, Advocate (SR-3434[I] dated 20/03/2024)

ORDER

IN

CRL OP(MD) No.4334 of 2024

Date :19/03/2024

RS/JGB/SAR-(28.03.2024) 5P 6C

Madurai Bench of Madras High Court is issuing
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