



No.6285 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/04/2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). Nos.6285 & 6315 of 2024

S.Michael Arul Regan

... Petitioner/ Accused No.1
in CrI.O.P(MD) No.6285 of 2024

Balaganesan

... Petitioner/ Accused No.2
in CrI.O.P(MD) No.6315 of 2024

Vs

The Inspector of Police,
Thoothukudi Central Police Station,
Thoothukudi. Cr.No.76/2024.

... Respondent/ Complainant in both petitions

In both cases

For Petitioners : Mr.S.M.Anantha Murugan, Advocate

For Respondent : Mr.P.Kottaichamy,
Government Advocate (CrI.Side)

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

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



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COMMON PRAYER :-

For Anticipatory Bail in Crime No. 76/2024 on the file of the respondent police.

COMMON ORDER : The Court made the following order :-

The petitioners, apprehending arrest at the hands of the respondent Police, in connection with a case in Crime No.76 of 2024, for the offence punishable under Sections 147, 148, 294(b), 323, 379, 448 and 506(ii) IPC, Section 3 of TNPPDL Act and Section 4 of TNPWWH Act, have filed this petition seeking anticipatory bail.

2. The case of the prosecution is that on 20.04.2024, the accused persons have entered into the shop of the defacto complainant and caused damages to the articles and also took away Rs.24,000/- from her shop. The accused persons also attempted to evict the defacto complainant from the shop. Hence, the case.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. The petitioners are the landlords and the defacto complainant is the tenant. However, without the knowledge of the petitioners, the defacto



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complainant has put up a shed in the property. As per the negotiation made between them, the defacto complainant has agreed to receive the amount and to vacate the shop. Accordingly, the defacto complainant has received an amount of Rs.50,000/- from the petitioners. However, without vacating the shop, the defacto complainant has lodged this false complaint as against the petitioners.

4.In this regard, the learned counsel for the petitioners submitted the bank statement showing that on 26.02.2024 one Nathan has received an amount of Rs.50,000/-. Hence, he prays for grant of anticipatory bail to the petitioners.

5. The learned Government Advocate (Crl.Side) appearing for the respondent Police submitted that in this case, investigation is yet to be completed. However, he fairly submitted that it is a landlord and tenant dispute and the injured has sustained simple injuries in the said occurrence.

6. Considering the facts and circumstances of the case and also considering the nature of dispute and the fact that the injured has sustained only simple injuries, this Court is inclined to grant anticipatory bail to the petitioners.



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7. Accordingly, these Criminal Original Petitions are ordered and the petitioners are ordered to be released on bail in the event of their 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 on condition that

(i) the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand) each, with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Thoothukudi;

(ii) The petitioners and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the government in proof of their residence address;

(iii) The petitioners shall appear before the respondent police daily at 10.30a.m., for a period of one week, and thereafter, shall appear as and when required by the respondent police for interrogation. They have to co-operate for the investigation;

(iv) The petitioners shall not misuse the liberty granted to them by indulging in any further offence and shall not tamper with the prosecution witnesses;



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(v) On violation of any of the above conditions by the petitioners, the respondent police shall move an application for cancellation of the anticipatory bail.

sd/-
24/04/2024

/ TRUE COPY /

/05/2024
Sub-Assistant Registrar (CS -I/ II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNM

TO

1. THE JUDICIAL MAGISTRATE NO.II, THOOTHUKUDI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI.

3. THE INSPECTOR OF POLICE,
THOOTHUKUDI CENTRAL POLICE STATION, THOOTHUKUDI.

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

+2 CC to M/s.S.M.ANANTHA MURUGAN, Advocate (SR-4764, 4765[I] dated 24/04/2024)

ORDER
IN
CRL OP(MD). Nos.6285 & 6315 of 2024
Date :24/04/2024

RK/VR (02/05/2024) 5P / 7C

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