



CRL MP(MD) No.8557 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Thursday, the Twenty Ninth day of August Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL MP(MD) No.8557 of 2024

IN

CRL OP(MD) No.11482 of 2024

AMSAVALLI

... PETITIONER/DE-FACTO COMPLAINANT

Vs

1 THE INSPECTOR OF POLICE
GOVERNMENT HOSPITAL POLICE STATION,
TIRUCHIRAPPALLI CITY,
TIRUCHIRAPPALLI DISTRICT.
CRIME NO.430/2024.

... 1st RESPONDENT/RESPONDENT

2 P. AMUTHA

... 2nd RESPONDENT/PETITIONER

Criminal Miscellaneous Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Cancel the Anticipatory bail granted to the 2nd respondent in Crl.OP(MD) No. 11482 of 2024 dated 25.07.2024 on the file of this Hon'ble Court.

Order : This Criminal Miscellaneous Petition coming up for orders on this day, upon <https://www.mhc.tn.gov.in/judis>



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perusing the petition filed in support thereof and upon hearing the arguments of M/S.PRITHVIRAJ.P.R, Advocate for the petitioner and of Mr.R.M.ANBUNITHI, Additional Public Prosecutor on behalf of the 1st Respondent and M/s.K.VIJAYSATHYA, Advocate for the 2nd Respondent, the court made the following order:-

This petition has been filed to cancel the anticipatory bail granted to the second respondent/accused in Crl.O.P.(MD)No.11482 of 2024, dated 25.07.2024.

2.Heard the learned counsel on either side.

3. The learned counsel for the petitioner / defacto complainant would submit that the pre-arrest bail which is granted to the accused is sought to be cancelled on two grounds.

(i) it is stated that the accused has not complied with the condition of appearing before the respondent police and signing before them every day.

(ii) it is stated that the accused frequently, entered into the property and caused damage to the property and also threatened the petitioner.

4. Per Contra, the learned counsel appearing on behalf of the second respondent /accused would submit that these accused reported before the respondent police but, however, since her name was not specifically mentioned in the FIR, the respondent police did not permit her to sign. He would submit that she is



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ready and willing to appear before the respondent and sign as per the condition imposed by this court. He would submit that already a suit has been filed and therefore, she is claiming title with reference to the suit property. So, it cannot be said that she is trespassing into the suit property and damaging it.

5. In reply to the arguments, the learned counsel for the petitioner would submit that the suit filed by the 2nd respondent / accused in O.S.No.510 of 2020 has since been dismissed for default by order dated 07.06.2024 by the I Additional District Munsif, Tiruchirappalli. When that be the position, the second respondent / accused unless gets the suit restored and gets some order from the Civil Court, cannot at present disturb the petitioner herein.

6. Considering the explanation made by the learned counsel appearing on behalf the second respondent / accused, instead of cancelling the bail, this Court is inclined to grant one more opportunity for the second respondent / accused to appear before the respondent police every day at 10:30 am for a period of three weeks. If she signs, then thereafter, the condition shall stand relaxed. As undertaken, the second respondent / accused shall also file an affidavit before this Court that she will not interfere with the property or with the petitioner until such time, she gets any favourable order / decree from the civil court. They said affidavit shall be filed before this court within a period of one week from today,



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7. With the above observations, the petition for cancellation of bail is disposed

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of.

sd/-
29/08/2024

/ TRUE COPY /

/09/2024

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

LS
TO

1 THE JUDICIAL MAGISTRATE NO.IV,
TIRUCHIRAPPALLI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE
GOVERNMENT HOSPITAL POLICE STATION,
TIRUCHIRAPPALLI CITY,
TIRUCHIRAPPALLI DISTRICT.

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



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COPY TO:

THE I ADDITIONAL DISTRICT MUNSIF,
TIRUCHIRAPPALLI.

ORDER
IN
CRL MP(MD) No.8557 of 2024
IN
CRL OP(MD) No.11482 of 2024
Date :29/08/2024

SA/VR/SAR. /11.09.2024/5P/6C

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