



CRL OP(MD). No.17811 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23.10.2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.17811 of 2024

Surekha ... Petitioner / Accused No.2

Vs

State rep. by
The Inspector of Police,
Seithur Police Station,
Virudhunagar District.
(Crime No.137 of 2024)

... Respondent/Complainant

Mr.Chandran ... Petitioner/ Intervenor/ Defacto Complainant

For Petitioner : M/s.Kannan.P
Advocate

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor
(Criminal Side)

For Intervenor : T.Selvan



CRL OP(MD). No.17811 of 2024

WEB COPY

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS Act.

PRAYER :-

For Anticipatory Bail in Crime No.137/2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 420, 427, 448, 506(2) of IPC, in Crime No.137 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The allegations in this case is that the de-facto complainants are the original owners of the property. Stating that this property has already been given to Nithyananda Peedam, the accused in this case, claiming themselves to be the trustees of the said organization, said to have threatened the de-facto complainant and claiming themselves to be the power agent of the said organization, trying to interfere with the property and the possession. Hence, the complaint.



CRL OP(MD). No.17811 of 2024

WEB COPY
of the case.

3. Heard the learned counsel on either side, and perused the material records

4. When the matter came up on the earlier occasion, this court expressed its view that when the primary person of the foundation is not available in India and is wanted in other cases, the petitioner cannot claim to be the trustee or the power of attorney of such a person and interfere with the land, even if the land is claimed on behalf of the said trust. Upon the view expressed by this Court and when the matter is adjourned today, the petitioner has filed an affidavit of undertaking stating that she will not enter into the de-facto complainant's alleged property situated in Seithur Village, Virudhunagar District.

5. In view of the said affidavit of undertaking filed before this Court and considering the overall facts and circumstances of the case that only considering themselves as the power of attorney of the said foundation, the petitioner/accused had interfered, I am inclined to enlarge the petitioner on anticipatory bail with certain conditions.



CRL OP(MD). No.17811 of 2024

WEB COPY

6. Accordingly, the petitioner is ordered to be released on bail in the event of his arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the **learned Judicial Magistrate Court, Rajapalayam, Virudhunagar District**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two common sureties, each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a) the petitioner and the sureties shall affix their photographs 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 petitioner shall report before the respondent police daily at 10.30 a.m. for a period of three weeks and thereafter, as and when required for the interrogation.

(c) As undertaken, an affidavit stating that the petitioner will not interfere with the de-facto complainant's land, shall also be filed before the learned Magistrate concerned.

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



CRL OP(MD). No.17811 of 2024

(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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
23/10/2024

/ TRUE COPY /

/11 /2024
Sub-Assistant Registrar (CS-I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

pal



CRL OP(MD). No.17811 of 2024

TO
WEB COPY

1. The Judicial Magistrate,
Rajapalayam,
Virudhunagar District.
2. Do-Through, The Chief Judicial Magistrate,
Virudhunagar District.
3. The Inspector of Police,
Seithur Police Station,
Virudhunagar District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN
CRL OP(MD) No.17811 of 2024
Date : 23.10.2024

SI/ /-(26.11.2024) 6P/ 5C

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