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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **10.01.2025**

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO.66 of 2025

1.Mrs. Shanmugapriya,
W/o. Shanmugasundaram,
7/2, Surya Garden, Malauandipattinam (Po.),
Kottur, Coimbatore – 642 114. and 3 others.

Petitioner(s)

Vs.

State Rep. By,
Inspector Of Police,
Anaimalai Police Station, Anaimalai,
Coimbatore District.
(Crime No.771 of 2024)
Respondent(s)

For Petitioner(s):

SUDHAKAR KANNUSAMY,
K. SUDHAKAR

For Respondent(s): Mr.C.Santhosh

Government Advocate (Crl. Side)

For De-facto Complainant(s): Mr. C. Veeraragavan

ORDER

Apprehending arrest in connection with Crime No.771 of 2024 registered for the offences punishable under Sections 324(5), 329(4), 296(b), 351(2) and 115(2) of Bharatiya Nyaya Sanhita (BNS), 2023 read with Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, the present petition has been filed seeking anticipatory bail.



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2. The case of the prosecution as per the de-facto complainant is that she being the owner of the property in question pursuant to a Will, the accused/petitioners, in order to thwart the rights of the de-facto complainant from taking possession of the property, had demolished her house by using a JCB. Hence, this case.

3. Pleading innocence on the part of the petitioners, the learned counsel for the petitioners submits that they have been falsely implicated in this case and seeks the indulgence of this Court. The further submission of the learned counsel for the petitioners is as under:-

i) The petitioners and de-facto complainant are close relatives. The de facto complainant is the younger sister of the first petitioner. The second petitioner is the husband of the first petitioner. Third and fourth petitioners are the parents of the first petitioner and the de facto complainant.

ii) The property in question originally belonged to one Subbulakshmiammal, mother of the third petitioner and on her demise intestate on 20.10.2024, the third petitioner had inherited the property and thereafter, she had executed a portion of the same in favour of the first petitioner and thereupon, the petitioners had been residing in the house.

iii) Whiles, since the de-facto complainant had attempted to



interfere with the possession of the property, the third petitioner had filed a suit in O.S.No.257 of 2024 on 3.12.2024.

iv) In such circumstances, the de facto complainant, in order to prevent the rights of the petitioners over the property in question and to make out a false case, had lodged the present complaint on 22.12.2024 contending that she had been in possession of the property in question pursuant to a Will alleged to have been executed by Subbulakshmiammal and the petitioners, with the help of one of their relatives, who is a JCB driver, had demolished the de-facto complainant's building.

v) The petitioners are law abiding persons and they have not committed any crime as alleged and they had been falsely implicated in the case. They are ready to abide by any stringent condition that may be imposed by this court for grant of anticipatory bail.

4. The case of the prosecution, as putforth by the learned Government Advocate (Crl. Side) appearing for the respondent Police, opposing for grant of anticipatory bail, is that while there exists some property dispute between the petitioners and the de facto complainant, the first petitioner had indulged in trespassing into the house of the defacto complainant and demolished an ancestral house belonging to the de-facto complainant by using a JCB and the other accused had allegedly abused the de-facto complainant with filthy language and also physically assaulted her by pelting huge stones and caused injuries. He would also



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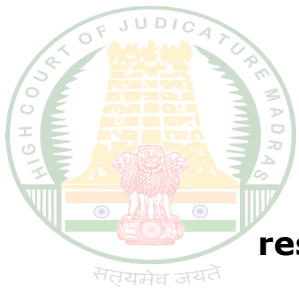
bring to the notice of this court that there is no previous case pending against the petitioners.

5. The learned counsel appearing for the defacto complainant/Intervenor vehemently opposed for grant of anticipatory bail to the petitioner.

6. Having heard the learned counsel for the petitioners and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions and accordingly, the petitioners 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.1, Pollachi** on condition that the petitioner shall execute separate 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 said Magistrate, on further condition that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the petitioners shall report before the



respondent Police everyday at 10:30 A.M., until further orders;

[c] the petitioners shall not tamper with evidence or witness either during the investigation or during the trial;

[d] the petitioners shall not abscond either during the investigation or during the trial;

[e] 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 were 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];

[f] If the petitioners thereafter abscond, a fresh FIR can be registered under Section 269 of BNS.

10.01.2025

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To

1. The Inspector Of Police,
Anaimalai Police Station, Anaimalai,
Coimbatore District.
2. The Public Prosecutor,
High Court, Madras.



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A.D. JAGADISH CHANDIRA, J.

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