



WEB COPY

Crl.O.P.No.10303 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.04.2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO.10303 of 2025

1.Vijayalakshmee,
W/o. Late. Subramanian.

2.Loganathan,
W/o. Late. Subramanian.

Petitioners(s)

Vs

State Rep.by,
The Inspector of Police,
Sankari Police Station,
Salem District. (Crime No.388 of 2024)

Respondent(s)

For petitioners(s): Mrs. K. Komala

For Respondent(s): Mr. S. Santhosh, Government Advocate (Crl.side).

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 420, 427, 294(b) and 506(2) of the Indian Penal Code, 1860, in Crime No.388 of 2024 on the file of the respondent police, seek anticipatory bail.



WEB COPY

2. The case of the prosecution is that the petitioners are in possession of property belonging to the defacto complainant; that they acquired possession of the property belonging to the defacto complainant illegally; and that the defacto complainant questioned the petitioners, they abused the defacto complainant in filthy language, thus, the petitioners committed the offences.

3. Learned counsel for the petitioners submits that the first petitioners had purchased the property in the year 1995; that the allegation of trespass and threat to the de-facto complainant are false; and that custodial interrogation is not required in this case, and sought anticipatory bail to the petitioners.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police vehemently opposed the grant of anticipatory bail to the petitioners and submitted that the petitioners caused damage to the property of the defacto complainant and also abused and threatened him of dire consequences.



WEB COPY

Crl.O.P.No.10303 of 2023



5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) appearing for the respondent police and perused the materials available on record.

6. Considering the nature of allegations against the accused, the submissions made by the learned counsels on either side, and since there is a civil dispute between the parties this Court is of the view that no custodial interrogation is required for the petitioners. Hence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. 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 on which the order copy made ready, before **the learned Judicial Magistrate-I, Sankari**, on condition that the petitioners shall execute a 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:



WEB COPY

Crl.O.P.No.10303 of 2025



[a] the petitioners 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 petitioners shall report before the respondent police as and when required for interrogation;

[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 was 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 absconds, a fresh FIR can be registered under Section 269 of B.N.S.

07.04.2025

klt



Crl.O.P.No.10303 of 202

WEB COPY

To

- 1.The Judicial Magistrate No.1, Sankari.
- 2.The Inspector of Police,
Sankari Police Station,
Salem District. (Crime No.388 of 2024)
- 3.The Public Prosecutor, High Court of Madras.



WEB COPY



Crl.O.P.No.10303 of 2025

SUNDER MOHAN, J.

kl

Crl.O.P. No.10303 of 2025

07.04.2025