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CRL OP NO.32115 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2025

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 32115 of 2025

1.V.R.S. Natarajan
2.N.Shanthi
3.N.Divya

...Petitioners

Vs

The State Rep by
The Inspector of Police,
Madukkarai Police Station
Coimbatore,
Crime No. 24 of 2023.

..Respondent

Prayer: Criminal Original Petition filed under Section 482 of BNSS, praying to enlarge the petitioners on bail in the event of their arrest in connection with the Crime No. 24 of 2023 pending investigation on the file of the respondent.

For Petitioners : Mr.Adithya Varadarajan

For Respondent : `Mr.S.Santhosh
Government Advocate [Criminal Side].



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ORDER

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Apprehending arrest in connection with Crime No.24 of 2023 registered for the offences punishable under Sections 406, 468, 471, 448 and 506(1) of IPC, the present petition has been filed seeking anticipatory bail.

2. Pleading innocence on the part of the petitioners, false implication in the case, learned counsel for the petitioners seek indulgence of this Court. He further submits that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that the possession was handed over to the de-facto complainant and there is no previous case pending against the petitioners. He would submit that the petitioners are ready to abide by any stringent condition that may be imposed by this court.

4. The case of the prosecution, as put forth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that the de-facto complainant is the owner of



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the property measuring an extent of 1200 sqft situated at Door No. 2/14, VIP Gardens, Madukarai Village, by virtue of a registered sale deed dated 04.02.2009 vide Doc.No. 322 of 2009 on the file of Sub Registrar, Madukarai. When the de-facto complainant had tried selling the property, the petitioners had introduced themselves and claimed that they had many prospective buyers. The petitioners had requested the de-facto complainant to handover the house key to show the house to the prospective buyers and the same was also handed over by the de-facto complainant. On 19.09.2022, when the defacto complainant had visited his house, the petitioners had rented out the house after receiving advance amount of Rs.30,000/- and a monthly rent of Rs.5,000/-. On 30.09.2022, when the defacto complainant had contacted the 1st petitioner, the 1st petitioner had abused and threatened to kill the de-facto complainant. He would further submit that now the possession was handed over to the de-facto complainant and the de-facto complainant is in possession of the property in question.

5. The learned Counsel for the Intervener vehemently opposed for grant of anticipatory bail to the petitioners.



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6. Having heard the learned counsel for the petitioners and the learned Government Advocate (Crl. 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, they 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 **District Magistrate Cum Judicial Magistrate, Madukkarai**, on condition that the petitioners shall execute a 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 fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] 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



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pass Book to ensure their identity;

[c] the petitioners shall report before the respondent Police everyday at 10.30 a.m until further orders;

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

[e] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court themselves as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560];

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

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A.D.JAGADISH CHANDIRA, J.

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