



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Third day of December Two Thousand Fifteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.20466 of 2015

V. JOTHIBASU

... PETITIONER/ SOLE ACCUSED

Vs

STATE REP. BY
THE INSPECTOR OF POLICE
ALANGANALLUR POLICE STATION,
MADURAI.
(CRIME NO. 404 OF 2015)

... RESPONDENT/ COMPLAINANT

A.MADAN CHAKRAVARTHY

... INTERVENER/DEFACTO COMPLAINANT

For Petitioner : Mr.P.SARAVANAN Advocate

For Respondent : Mr.K.ANBARASAN Govt. Advocate (Crl. Side)

For Intervener : Mr.VEERA KATHIRAVAN Advocate

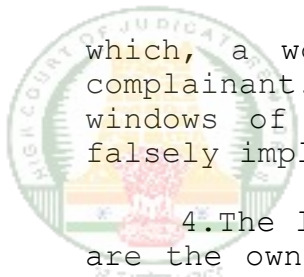
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as the sole accused in Crime No.404 of 2015 on the file of the respondent police apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 448, 427, 294(b), 323 and 506(i) of I.P.C., and 3 of PPDL Act, and hence, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and others are the owners of the Jeeva Theatre situated at Sikandarchavadi and the de-facto complainant is the lessee of the theatre from 30.09.2013 to 29.09.2018 for a period of five years. The petitioner along with others came to the theatre and asked the de-facto complainant to vacate and hand over the theatre to the petitioner and the same was refused by the de-facto complainant. The petitioner and others abused him in filthy language and damaged the property worth about Rs.50,000/- and hence, complaint has been given and the case has been registered for offence under Sections 448, 427, 294(b), 323 and 506(i) of I.P.C., and 3 of PPDL Act in Crime No.404 of 2015.

3.The learned counsel for the petitioner submitted that the petitioner is the owner of Jeeva theatre and the de-facto complainant is the lessee of the theatre and he did not pay the rent and therefore, the
<https://hcservices.courgo.gov.in/services/> a suit in O.S.No.441 of 2015 on the file of the Sub-Court, Madurai for eviction of the de-facto complainant and on 19.10.2015 the petitioner asked the de-facto complainant to pay the rent due to



which, a wordy quarrel arose between the petitioner and the de-facto complainant. He further submitted that the petitioner damaged only the windows of the theatre and he is an innocent person and he has been falsely implicated in this case.

4.The learned counsel for the intervenor submitted that three persons are the owners of the theatre and the de-facto complainant is the lessee and the lease period is from 30.09.2013 to 29.09.2018 for a period of five years and monthly rent of Rs.45,000/- payable to the petitioner(who is the co-owner) and he paid one lakh towards advance and the de-facto complainant also invested Rs.40 lakhs towards renovation work and for modernizing the theatre and also making the building and superstructure fit for using as a cinema theatre. He further submitted that when the lease period is still in force, the petitioner along with others came to the theatre and threatened the de-facto complainant to vacate and hand over the property and also damaged the property worth about Rs.50,000/- and he has also filed a suit in O.S.No.43 of 2015 on the file of the District Munsif, Madurai for permanent injunction.

5.The learned Government Advocate (Crl.side) on instruction would submit that the petitioner and others are the owners of the property and the petitioner went to the theatre and asked the de-facto complainant to vacate and hand over the theatre and the same was questioned by the de-facto complainant, he damaged the property worth about Rs.50,000/- and the investigation is pending.

6.Considering the seriousness and gravity of the offence alleged against the petitioner, this Court is not inclined to grant anticipatory bail to the petitioner. Hence, this petition is dismissed.

sd/-

03/12/2015

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE INSPECTOR OF POLICE
ALANGANALLUR POLICE STATION, MADURAI.

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

+1. CC to Mr.VEERA KATHIRAVAN Advocate SR.No.69302

ORDER

IN

CRL OP(MD) No.20466 of 2015

Date :03/12/2015

NS/SKS-RR/SAR II/07.12.2015 : 2P/4C