



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

Tuesday, the Twenty Fourth day of February Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.2696 of 2015

PUSHBA ARTHUR ... PETITIONER / ACCUSED NO.1

J.JEYASELVAN ...INTERVENOR

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
VADACHERY POLICE STATION, KANYAKUMARI DIST,
CR.NO.1177/2014 ... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.C.MUTHU SARAIVANAN Advocate

For Respondent : MR.A.P.BALASUBRAMANIAN, Govt. Advocate (Crl. Side)

For Intervenor: MR. L.J.SOUNDARARAJAN,ADVOCATE

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for an alleged offence punishable u/s 427, 294(b), 506(ii), 447 and 379 IPC, seeks anticipatory bail.

2. Heard Mr.C.Muthu Saravanan, learned counsel for the petitioner, Dr.L.J.Soundarajan, learned counsel for the intervenor and Mr.A.P.Balasubramani, learned Govt.Advocate [crl.side] appearing for the State.

3.This is the third anticipatory bail application and the earlier applications in Crl.O.P.(MD)No.23493 of 2014 and Crl.O.P.(MD)No.1429 of 2015 were dismissed as withdrawn .

4. The learned counsel for the petitioner submits that the entire complaint is a false one and that the petitioner has not trespassed into the property of the de facto complainant as alleged by him. He further submits that the articles of the de facto complainant are very much available in the car park and that the de facto complainant had actually vacated the premises. The learned counsel also submitted that the de facto complainant had filed a suit in O.S.No.351 of 2014 for injunction, restraining the petitioner from evicting him from the property, except by due process of law.

5. On a reading of the FIR in this case, it appears that the de facto complainant is a tenant under the petitioner and is running a Snooker Club by name 'Jeyan Break Point' in the premises. It is also stated that the de facto complainant was paying rent regularly to the petitioner and when the petitioner asked him to vacate, he even assured that he would vacate on 15.12.2014. The petitioner tried to forcibly take possession



of the property by breaking open the lock and causing extensive damage to the Snooker table and other articles belonging to the de facto complainant. The de facto complainant also produced the photographs showing the damages that he has suffered on account of the high handedness of the petitioner in trying to take forcible possession of the property.

6. The learned counsel for the petitioner submits that the petitioner is a lady and this Court should show some sympathy to her. The fact remains that this petitioner has attempted to take forcible possession of the property by trying to remove the articles belonging to the de facto complainant and damaging them. Such high handed acts cannot be condoned and hence, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition stands dismissed.

sd/-

24/02/2015

/ TRUE COPY /

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

TO

1. THE INSPECTOR OF POLICE
VADACHERRY POLICE STATION, KANYAKUMARI DIST.

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

+1. CC to M/S.C.MUTHU SARAVANAN Advocate SR.No.8386
+1. CC to M/S. L.J.SOUNDARARAJAN, Advocate SR.No.8750

ORDER
IN
CRL OP(MD) No.2696 of 2015
Date :24/02/2015

RG.25.02.2015 2P.5C.