



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

Wednesday, the Third day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.13439 to 13441 of 2016

RAGUPATHY ... PETITIONER / ACCUSED No.6
IN CRL OP(MD) No.13439 of 2016

PRABAKARAN ... PETITIONER/ACCUSED
IN CRL OP(MD) No.13440 of 2016

SATHYAMOORTHY ... PETITIONER/ACCUSED
IN CRL OP(MD) No.13441 of 2016

Vs

THE INSPECTOR OF POLICE
WORAIYUR POLICE STATION,
WORAIYUR, TRICHY.
IN CRIME NO. 785/2015 ... RESPONDENT / COMPLAINANT
IN ALL THE PETITIONS

For Petitioner : M/S S.RADHAKRISHNAN Advocate
IN ALL THE PETITIONS

For Respondent : MR.P.Kannithevan Govt. Advocate (Crl. Side)
IN ALL THE PETITIONS

For Intervenor : M/s.K.Sivabalan, Advocate
IN ALL THE PETITIONS

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused apprehend arrest at the hands of the respondent police for an alleged offence punishable under Sections 147,452,323,363 and 380(NP) of IPC, in Crime No.785 of 2015, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the money lender. One Madasamy borrowed a sum of Rs.10,00,000/- from the defacto complainant and subsequently, he did not repay the same. While so, one Sahadevan came to the house of the defacto complainant and threatened the defacto complainant to receive a sum of Rs.5,00,000/- and return all the documents executed by Madasamy, but, the defacto complainant refused to do so. On 20.12.2015, at about 8.45 pm, 7 persons trespassed into the house of the defacto complainant house and threatened him with dire consequences, at knife point. They took the jewels and amount kept in the locker and



kidnapped the defacto complainant and his wife and his brother in Innova Car. The defacto complainant escaped and on complaint a case has been registered against the petitioners.

3. The learned counsel for the petitioners submitted that the petitioners are members of Tamil Desiya Munnani Katchi. The defacto complainant is doing the doubling of money by counterfeit currencies and he received a sum of Rs.5,00,000/- from one Madasamy of Rajapalayam promising to give Rs.10,00,000/- and subsequently, he failed to give the same and cheated Madasamy. The said Madasamy gave complaint before the Tamil Desiya Munnani Katchi. When the members of the Tamil Desiya Munnani Katchi questioned, he has given a false complaint against the petitioners. He further submitted that A1 was granted anticipatory bail by this Court in CrI.O.P(MD). No.24880 of 2015 dated 07.01.2016 on the ground that there is no specific overt act attributed against him and the occurrence took place on 20.12.2015 and A1 and A6 were already arrested and till today nothing has been recovered. One of the member of Tamil Desiya Munnani Katchi has given complaint against defacto complainant and also filed a petition for direction, before this Court, for transfer of Crime No.255 of 2016, dated 09.05.2016 pending before the Palakkarai, Trichy Police Station. He further submitted that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case.

4. Heard Mr. K. Sivabalan, learned counsel appearing on behalf of the intervenor.

5. The learned Government Advocate (CrI. Side) submitted that considering the facts and circumstances of the case and the contention of the learned counsel for the petitioners, this Court dismissed the earlier petitions filed by the petitioners on 13.06.2016 in CrI.O.P(MD).Nos.8857 of 2016. He further submitted that the investigation is still pending and there is no change of circumstances and prayed for dismissal of this petition.

6. Considering the serious nature of allegations that the petitioners trespassed into the house of the defacto complainant and stolen the cash and other articles worth several lakhs of rupees and kidnapped the defacto complainant and his wife and the stolen articles are yet to be recovered and the earlier petitions dismissed by this Court on 13.06.2016 and there is no change of circumstances from the date of dismissal, this Court is not inclined to grant anticipatory bail to the petitioners.

7. Accordingly, the Criminal Original Petitions are dismissed.

sd/-

03/08/2016

/ TRUE COPY /



TO

1 THE INSPECTOR OF POLICE
WORAIYUR POLICE STATION,
WORAIYUR, TRICHY.

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

+1. CC to M/S S.RADHAKRISHNAN Advocate SR.No.42100

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ORDER

IN

CRL OP (MD) No.13439 TO 13441 of 2016

Date :03/08/2016