



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

Monday, the Twenty Second day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.15342 of 2016

LAKSHMIKANDAN,

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
SAYALKUDI POLICE STATION
RAMANATHAPURAM DISTRICT
(IN CRIME.NO.158 OF 2016)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.R. KARUNANIDHI Advocate

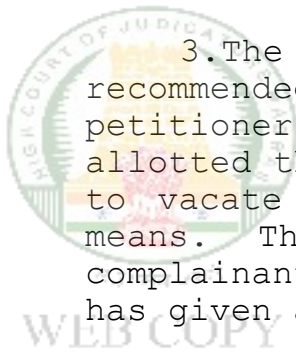
For Respondent : MR.P.KANNITHEVAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as sole accused, apprehends arrest at the hands of the respondent police for the offences punishable under Sections 448 IPC and Section 3 of the Tamil Nadu Public Property (Prevention of Damages and Loss) Act, 1992, in Crime No.158 of 2016, on the file of the respondent police and hence, seeks anticipatory bail.

2. The case of the prosecution is that originally a shop was allotted to the petitioner's father. Even after expiry of the lease period, the petitioner's father did not vacate the shop and hand over the possession to the defacto complainant. On 20.02.2015, public action was conducted. As per the orders of this Court, dated 01.08.2016, public auction was confirmed and shop was given to one Mohammed Abu Bakker. While so, on 09.08.2016, the shop allotted to the petitioner's father was sealed in the presence of the Village Administrative Officer and Executive Officer/defacto complainant. While so, on 10.08.2016, the petitioner broke open the seal put up by the Executive Officer/defacto complainant and is running the shop. On coming to know the fact, the defacto complainant has given a complaint against the petitioner.



3.The case of the petitioner is that the District Collector recommended the allotment of the shop to the father of the petitioner, who is an Ex-service man. The petitioner's father was allotted the shop. The defacto complainant threatened the petitioner to vacate the shop and tried to evict the petitioner by illegal means. The petitioner gave a complaint against the defacto complainant. To escape from the complaint, the defacto complainant has given a complaint against the petitioner.

4.The learned counsel for the petitioner submitted that the petitioner filed a suit in O.S.No.69 of 2016 and he has also filed an application in I.A.No.402 of 2016. On 09.08.2016, the learned District Munsif, Mudhukulathur, granted an order of interim injunction in I.A.No.402 of 2016.

5.The learned Government Advocate (Criminal Side) submitted that the shop was allotted to the petitioner's father and even after expiry of lease period, the petitioner did not vacate and hand over the possession to the defacto complainant. Public auction was conducted on 20.02.2015 and the same was allotted to one Mohammed Abu Bakker. As per the orders of this Court, dated 01.08.2016, public auction was confirmed and the defacto complainant did not hand over the possession to the auction purchaser. On 09.08.2016, in the presence of the Village Administrative Officer and Executive Officer/defacto complainant, possession was taken and seal was put up. At the time of the locking the shop, the petitioner did not produce any order of injunction. The petitioner broke open the lock and entered into the shop and investigation is pending.

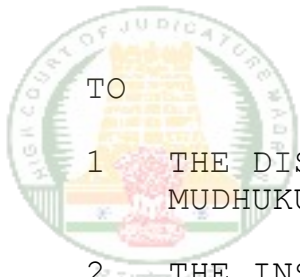
6.Considering the contention of the learned Government Advocate (Criminal Side) that the defacto complainant took possession of the shop on 09.08.2016 at 04.30 p.m., even before injunction order was produced and put up the lock and seal and after that the petitioner broke open and trespassed into the shop and the investigation is pending.

7.Considering the serious allegation made against the petitioner that he broke open the seal without obtaining any order from the competent Court and the custodial interrogation of the petitioner is necessary, this Court is not inclined to grant anticipatory bail to the petitioner and accordingly, this Criminal Original Petition is dismissed.

sd/-
22/08/2016

/ TRUE COPY /

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



TO

1 THE DISTRICT MUNSIF,
MUDHUKULATHUR

2 THE INSPECTOR OF POLICE,
SAYALKUDI POLICE STATION
RAMANATHAPURAM DISTRICT

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to M/S.R. KARUNANIDHI Advocate SR.No.46322

ORDER

IN

CRL OP(MD) No.15342 of 2016

Date :22/08/2016

SMA/PV/SAR-I/01/09/2016 :3P/5C