



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

Monday, the Twenty Seventh day of June Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.8868 of 2016

1 T.M. VELUCHAMY

2 V. BALAKRISHNAN

3 V. INBARAJ

... PETITIONERS/A1 TO A3

Vs

STATE REP.BY

THE INSPECTOR OF POLICE

KODAIKANAL POLICE STATION,

DINDIGUL DISTRICT.

CRIME NO. 182/2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S M.SURESH Advocate

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

For Intervenor : MR.P.SAMUEL GUNASINGH, Advocate

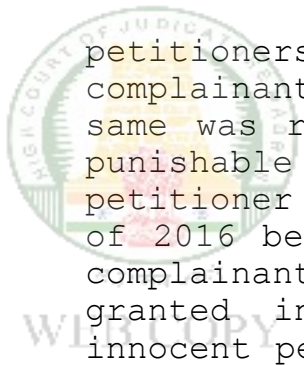
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused Nos.1 to 3, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 324, 427, 328, 506(ii), 379 of IPC r/w Section 4 of The Prohibition of Harassment of Women Act, in Crime No.182 of 2016, on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that due to the dispute with regard to the property, the petitioners and other accused trespassed into the land of the defacto complainant with deadly weapons and attacked and abused him in filthy language. On complaint, case has been registered for the above said offences.

3.The case of the petitioners is that the first petitioner is the owner of the property. In the year 2013, the husband of the defacto complainant entered into an agreement of sale with first petitioner and a sum of Rs.50,000/- was paid as advance and agreed to pay the balance sale consideration of Rs.4,40,000/- within a period of one month from the date of execution of agreement. He failed to pay the balance amount. Therefore, the first petitioner return the advance amount paid by him. Thereafter, the second petitioner filed a suit for partition in O.S.No.467 of 2014 before the Sub Court, Palani against the first petitioner. While so, the defacto complainant and her husband trespassed into the land of the



petitioners and attacked him. The first petitioner lodged a complainant against the defacto complainant and her husband and the same was registered in Cr.No.131 of 2016 for the alleged offences punishable under Sections 294(b), 323, 506(ii) of IPC. The first petitioner also filed a suit for permanent injunction in O.S.No.36 of 2016 before the District Munsif, Kodaikanal against the defacto complainant and her husband. The District Munsif Court, Kodaikanal granted interim injunction on 29.04.2016. The petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case.

4.The learned counsel for the intervenor submitted that there is a property dispute between both parties. On 26.04.2016 the petitioners and other accused trespassed into the house of the defacto complainant with deadly weapons and abused her in filthy language, she suffered multiple injuries. Thereafter, the petitioners snatched 10 sovereigns of gold chain and torn her tress and made her nude. When the defacto complainant's husband tried to intervene he was also attacked by the accused persons and poured poison into the mouth of the defacto complainant and prayed for dismissal of the petition.

5.The learned counsel for the intervenor also submitted that after the incident, the FIR was produced before the District Munsif Court, Kodaikanal and injunction granted was not extended.

6.The learned Government Advocate (Crl.side) submitted that on complaint case has been registered and the investigation is pending.

7.Considering the serious allegations made against the petitioners, this Court is not inclined to grant anticipatory bail to the petitioners. Hence, this petition is dismissed.

sd/-

27/06/2016

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

TO

1 THE INSPECTOR OF POLICE, KODAIKANAL POLICE STATION,  
DINDIGUL DISTRICT.

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

Am

CSL/GSV-PM/SAR-I/04.07.2016 : 2p/3c

ORDER

IN

CRL OP(MD) No.8868 of 2016

Date :27/06/2016