



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

Tuesday, the Eleventh day of December Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20440 of 2018

1 S.KESAVARAJ
2 V.SUBRAMANI
3 S.SARAVANAKUMAR
4 VETRI @ VETRISELVAN

... PETITIONERS / ACCUSED No. 4 to 7

Vs

THE STATE REP BY
INSPECTOR OF POLICE,
NATHAM POLICE STATION,
DINDIGUL DISTRICT.
(CRIME NO. 637 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.D.SELVAM, Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

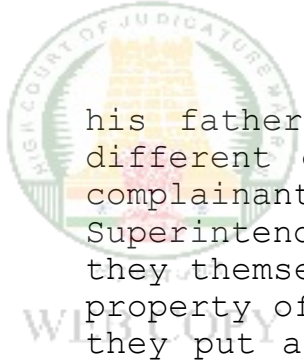
For Intervener : C.MAYILVAHANA RAJENDRAN, Advocate

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

ORDER : The Court Made the following order :-

The petitioners / A4 to A7 apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 147, 447, 452, 387 and 506(i) of I.P.C., in Crime No.637 of 2018, seek anticipatory bail.

2.The case of the prosecution is that on 12.10.2017, the defacto complainant and his brother and mother had purchased the property viz., Shop Nos.245, 247 and 249 situated at Karuppanapillai Street, Natham Town, Dindigul District from one T.Senthilkumar. On 10.11.2017, the first accused in this case, who being an advocate, illegally demanded a sum of Rs.15 lakhs, as 'Mamool', for the purchase of shops, by the defacto complainant and two others, and also threatened with dire consequences and would foist a false case as against them and detained the defacto complainant and his family members under his custody. Therefore, the defacto complainant and

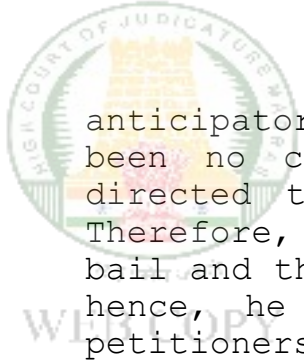


his father had paid a total sum of Rs.6,20,000/-, as mamool, on different dates, to the first accused. Therefore, the defacto complainant lodged a complaint on 24.04.2018, before the Superintendent of Police against the accused in this case, as if they themselves posing as Advocates, trespassed into the part of the property of the defacto complainant and occupied the same. Further, they put a board of V.Subramaniyan, B.A., L.L.B., Advocate and the properties are occupied by A1, A5 to A7.

3.Mr.D.Selvam, the learned counsel appearing for the petitioners would submit that originally the 1st petitioner / A4 herein is a tenant of two shops bearing D.Nos.247 and 249 and the said shops were leased out to him by its owner viz., Suresh @ Muthusamy.. Accordingly, he has been running the business in the above said two shops for nearly 13 years. While so, the 1st petitioner sub leased out one shop i.e, D.No.247 to the 2nd petitioner / A5. The first petitioner is not aware of the sale done in favour of the defacto complainant by the son-in-law of Suresh @ Muthusamy. After purchasing of the property, said to have executed by the son-in-law of the Suresh @ Muthusamy, as the defacto complainant and his family members tried to vacate the 1st petitioner from the premises in a manner not known to law. In this regard, he filed a suit in O.S.No.42 of 2018, before the Principal District Munsif Court, Natham. Suppressing all the above facts, in order to harass the petitioners, the defacto complainant lodged a false complaint. Insofar as A5 to 7 are concerned, they are Advocates by profession and there is absolutely no allegation even as per the complaint as against them. Therefore, he sought for grant of anticipatory bail to the petitioners.

4.Mr.C.Mayilvahana Rajendran, learned counsel for the intervenor/defacto complainant would submit that A1 in this case is a notorious criminal. On the strength of as Advocate by profession, he is doing all illegal activities in the society. The accused in this case trespassed into a part of the property of the defacto complainant. Therefore, the defacto complainant filed a writ petition before this Court in W.P.(MD) No.19987 of 2018 and this Court, by order dated 19.09.2018 was pleased to implead the Bar Council of Tamil Nadu on *suo motu*. Thereafter, directed the Superintendent of Police, Dindigul to provide sufficient police protection to the defacto complainant and also ensure that he is put in possession of the property situated at Shop No.247. Further, by order dated 27.09.2018, this Court restrained A1 from practising before the High Court of Judicature, Madras and also before any other Court within Tamil Nadu and Puducherry. Further, this Court directed to take immediate action as against A5 and A6 herein. Therefore, custodial interrogation is very much necessary in this case as far as the accused are concerned. Therefore, he vehemently oppose the grant of anticipatory bail to the petitioners.

5. Mr.K.Suyambulinga Bharathi, learned Government Advocate appearing for the State would submit that this is the third



anticipatory bail application filed by the accused and there has been no change of circumstance at all. Further, this Court directed to take immediate action as against A5 and A6 herein. Therefore, the petitioners are not at all entitled for anticipatory bail and they are taking serious steps to arrest the petitioners and hence, he vehemently opposed to grant anticipatory bail to the petitioners.

7. Heard the learned counsel appearing for the petitioners and the learned counsel appearing for the intervenor/defacto complainant and also the learned Government Advocate appearing for the State and perused the materials available on record.

8. The petitioner / A4 hand in glove with the first accused involved in a heinous crime. Further, because of their threatening and collection of mamool, the father of the defacto complainant died on 14.03.2018, due to mental agony. A5 and A6 also being advocates joined in the hands of the first accused committed the crime. As far as the 7th accused is concerned, he has not even completed any Law degree and posed him as Advocate committed this crime. Further, this is the third anticipatory bail application filed by the accused and there has been no change of circumstance of the case.

9. Considering the above facts and circumstances of the case, this Court is not inclined to grant anticipatory bail to the petitioners. Hence, this Criminal Original Petition stands dismissed.

sd/-
11/12/2018

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

TO

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

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

+1. CC to Mr.N.MUNIRAJ Advocate SR.No.23053

+1. CC to MR.C.MAYILVAHANA RAJENDRAN, Advocate SR.No. 23096

ORDER

IN

CRL OP(MD) No.20440 of 2018

Date :11/12/2018