



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

Thursday, the Eleventh day of October Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) Nos.17484, 17485 and 17512 of 2018

M. SELVAM,

... PETITIONER /2nd ACCUSED
IN CRL OP(MD).NO.17484 OF 2018

1.KESAVARAJ,
2 V. SUBRAMANI,
3 SARAVANAKUMAR,
4 VETRI @ VETRISSELVAN,

...PETITIONERS/ACCUSED 4 TO 7
IN CRL OP(MD).NO.17485 OF 2018

1.S.R.BALASUBRAMANIYAN

2.SHEIK MOHAMMED DHAJUDEEN

... PETITIONERS/ACCUSED 1 & 3
IN CRL OP(MD).NO.17512 OF 2018

Vs

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

... RESPONDENT / COMPLAINANT
(IN ALL PETITIONS)

B.KARTHICK

... INTERVENER PETITIONER/3RD PARTY/
DEFACTO COMPLAINANT
IN CRL MP(MD).NOS.8056 AND 8060/2018 IN
CRL OP(MD).NOS.17512 AND 17485/18

For Petitioner : MR.SELVAM FOR
MR.T.LENIN KUMAR Advocate
IN CRL OP(MD).NO.17484 OF 2018

: MR.D.VENKATESH Advocate
IN CRL OP(MD).NO.17485 OF 2018

: MR.SELVAM FOR
MR.A.S.VAIGUNTH Advocate
IN CRL OP(MD).NO.17512 OF 2018



For Respondent : MR.K.CHELLAPANDIAN, Additional Advocate General
Assisted by Mrs.ANANTHA DEVEI, Government Advocate
(in all CRL OP's)

For Intervener : MR.C.MAYILVAHANA RAJENDRA Advocate
IN CRL MP(MD).NOS.8056 AND 8060/2018 IN
CRL OP(MD).NOS.17512 AND 17485/18

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

ORDER : The Court Made the following order :-

The petitioners/A2, A4 to A7 and A1 and A3 respectively 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 the defacto complainant lodged a complaint on 20.09.2018 alleging that on 12.10.2017, the defacto complainant and his brother and his mother purchased the property viz., Shop Nos.245, 247 and 249 situated at Karuppanapillai Street, Natham Town, Dindigul District from one T.Senthilkumar. While being so, on 10.11.2017, the first accused, who is being an advocate, illegally demanded a sum of Rs.15 lakhs as mamool for the purchase of shops by the defacto complainant and and two others, failing which, they will be faced dire consequences and also threatened to their life. Further, he threatened that he will foist a false case as against them and also detained the defacto complainant and his family members under his custody. Therefore, the defacto complainant and his father paid a sum of Rs.1 lakh as mamool on 11.11.2017 to the first accused and thereafter, they paid a further sum of Rs.2 lakhs. Again, on 25.02.2018, they paid another sum of Rs.1 lakh and without satisfying the same, the first accused again, on 28.02.2018, threatened the defacto complainant and his family members and therefore, without any other option, the defacto complainant and his father paid another sum of Rs.2,20,000/- on 08.03.2018 and as such, so far, totally, they have paid a sum of Rs.6,20,000/- as mamool to the first accused. Due to the threatening and mental agony caused by the first accused, on 14.03.2018, the father of the defacto complainant Mr.B.Balasubramaniam died. Even thereafter, through his tenant viz., A4 threatened and demanded further mamool from the defacto complainant. Therefore, the defacto complainant lodged a complaint on 24.04.2018 before the Superintendent of Police. Unfortunately, after receipt of his complaint, they did not take any action as against the accused persons. While being so, the first accused along with other accused 5 to 7 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. When the same was questioned by the defacto complainant, they threatened him with dire consequences. The accused persons with the support of A2 threatened the complainant and received a sum of Rs.6,20,000/- as mamool. Hence, the complaint.

3.Mr.D.Selvam, the learned counsel appearing for the petitioners would submit that the first accused is an Advocate and he is nothing to do with the offence as alleged by the prosecution. There is a civil dispute between the defacto complainant and A2, in which, an appeal suit in A.S.No.28 of 2016 is pending. In the said appeal suit, the first accused is the counsel appeared on behalf of A2 and hence, he also falsely implicated in this complaint. Further, A2, filed partition suit as against the defacto complainant in O.S.No.294 of 2018 and it is also pending, in which also, the first accused had appeared on behalf of A2. Except this role, the first accused did not commit any crime and never demanded any mamool from the defacto complainant as alleged in the complaint.

4.He would further submit that as far as the second accused is concerned, he filed suit in O.S.No.294 of 2018 and it is pending before the Sub Court, Dindigul for partition as against the defacto complainant. He would further submit that as against a permanent injunction suit, there has been an appeal suit filed by him in A.S.No.28 of 2016 and it is also pending before the Sub Court, Dindigul and therefore, he is also no way connected with the first accused as well as the alleged occurrence. Insofar as the fourth accused is concerned, he is no way connected with the alleged occurrence. Even as per the FIR, he is the tenant of the disputed premises and only through him, the first accused demanded mamool. Insofar as A3 and 5 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.

5.Mr.C.Mayilvahan Rajendran, learned counsel for the intervenor/defacto complainant would submit that the first accused is a notorious criminal in the society. On the strength of as Advocate by profession, he is doing all illegal activities in the society. He involved in so many cases from the year 1994 and he was also detained as Goonda, however, subsequently, the said order was set aside. After receipt of Rs.6,20,000/- as mamool by threatening his father, who also died on 14.03.2018 due to the mental agony caused by the first accused and others. While being so, the first accused and other persons trespassed into a party of the property purchased by them and put up an Advocate office with A5 to A7. 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, this Court directed the

defacto complainant to lodge a complaint before the Bar Council of India for action as against A1 to 5 and 6 herein. 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 far as the petitioners are concerned. Therefore, he vehemently oppose the grant of anticipatory bail to the petitioners.

6.Mr.K.Chellapandian, learned Additional Advocate General appearing for the State would submit that the first accused is a habitual offender and he involved in so many cases in and around Dindigul District. He also furnished the details of the cases involved by the first accused, which read as follows:

Natham Police Station

Sl.No.	Crime No.	Sections
1.	59/1994	147, 341, 323 and 506(i) of I.P.C.
2.	181/1995	353 and 506(ii) of I.P.C.
3.	21/1996	147, 148, 324, 427 and 307 of IPC
4.	278/1996	147 and 506(i) of I.P.C.
5.	617/1999	Natham Police Station History sheet ledger
6.	191/2006	147, 148, 447, 427, 294 and 506(ii) of I.P.C.
7.	23/2009	147, 387, 341 and 506(i) of I.P.C.
8.	249/2011	147, 148, 447, 427, 294 and 506(ii) of I.P.C. and 109 of I.P.C. and 379 (NP) of I.P.C.
9.	503/2015	153, 186, 188 and 506(i) of I.P.C.
10.	505/2015	147, 341, 188, 353 and 506(ii) of I.P.C.
11.	510/2015	341, 145 and 188 of I.P.C.
12.	625/2015	147, 120(B), 143, 145, 188 and 341 of I.P.C.
13.	627/2015	147, 143, 145 and 188 of I.P.C.
14.	629/2015	147, 148, 341, 294(B), 323, 324, 307 and 506(ii) of I.P.C. and Section 4 of TNWH Act
15.	STC No.270/2016	143, 188 and 285 of I.P.C.
16.	161/2016	341, 145 and 186 of I.P.C.
17.	183 of 2016	147, 143, 145, 188 and 344 of I.P.C.
18.	181 of 1995	343 and 506(ii) of I.P.C.

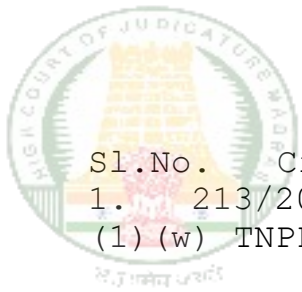
Dindigul Police Station

Sl.No.	Crime No.	Sections
1.	424/1995	145 of Cr.P.C.
2.	1984/1997	147, 447 and 427 of I.P.C.
3.	1510/1998	147, 341, 323 and 506(ii) of I.P.C.
4.	2543/1998	146 and 447 of I.P.C.
5.	59/1994	147, 341, 323 and 506(i) of I.P.C.
6.	414/1999	145 of Cr.P.C.

Sanarpatti Police Station

Sl.No.	Crime No.	Sections
1.	138/1995	147, 148, 447, 427 and 506(ii) of I.P.C.
2.	142/1996	Judicial Magistrate No.III, Dindigul.

Thadikombu Police Station



Sl.No. Crime No. Sections

1. 213/2000 147, 148, 341, 332, 504, 307 of I.P.C. and Section 3 (1) (w) TNPPDL Act.

7. He would further contend that 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 and directed the Superintendent of Police, Dindigul to provide sufficient police protection to the defacto complainant and directed the defacto complainant to lodge a complaint before the Bar Council of India for action as against A1 to 5 and 6 herein. 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, 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 the grant of anticipatory bail to the petitioner.

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

9. It is very unfortunate to state that the first accused is an Advocate, who involved in very serious offence. It is seen from the records that the first accused involved not only in the present case and he so far involved in 18 cases before Natham Police Station and 6 cases before Dindigul Police Station and two cases before Sanarpatti Police Station and one case before Thadikombu police Station, excluding the present crime. Further, he was detained in Goondas and subsequently, released. It is also seen from the appeal suit in A.S.No.28 of 2016 on the file of the Principal Sub Court, Dindigul, he is not the counsel on record on behalf of A2.

10. Being a noble professional, the first accused completely damaged the profession by indulging in criminal activities. Further, he misused his noble profession in the illegal activities. Insofar A2 is concerned, he connived along with other accused collected mamool from the defacto complainant and his family members. Fourth accused also 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. 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. Therefore, their custodial interrogation is very much needed in this case.

<https://hcservices.ecourts.gov.in/hcservices/>

11. Considering the above facts and circumstances of the case,



this Court is not inclined to grant anticipatory bail to the petitioners. Accordingly, all the three criminal original petitions are dismissed.

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sd/-
11/10/2018

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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.

ORDER
IN
CRL OP(MD) Nos.17484, 17485 and 17512 of 2018
Date :11/10/2018

Arul
AE/RR/SAR1/22.10.2018/6P/3C