



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

Thursday, the Seventh day of February Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.1521 of 2019

1 K.P.URPAWA RUTHIRAR
2 K.P.BALASUBRAMANIYAN

... PETITIONER/ACCUSED A2 and A4

Vs

THE STATE THROUGH,
THE SUB INSPECTOR OF POLICE,
ANNA NAGAR POLICE STATION,
MADURAI.

... RESPONDENT/COMPLAINANT

For Petitioners : MR.S.BHARATHI Advocate

For Respondent : MR.S.CHANDRASEKAR, Additional Public Prosecutor

For Intervenor : MR.R.GANDHI, Advocate

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 120(b), 406 and 420 I.P.C., in Crime No.31 of 2019, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant viz., Sababathi purchased a house property on 12.02.2018 from A1 by way of registered sale deed and A2 signed as a witness in the said sale deed and received the entire sale consideration. Further, A1 and A2 gave an assurance to the de-facto complainant that there was no encumbrance in the said property. A3 and A4 are the own brothers of A1. There is a dispute between A1 and A3 and A4 regarding the above said property and therefore, A3 and A4 had filed a Civil Suit in O.S.No.165 of 2018 before the Principal District Munsif Court, Madurai, for permanent injunction against A1 and the de-facto complainant. Subsequently, on 08.10.2018, the de-facto complainant approached the petitioners/A3 and A4 to vacate the house, but they threatened the de-facto complainant and refused to vacate the house. Hence, the case has been registered.



3.The learned counsel for the petitioners submitted that the petitioners' mother have a share on the property. Accordingly, the petitioners, who are the brothers of A1, are entitled to their mother's share. He further submitted that it is purely a civil dispute and prayed for anticipatory bail to the petitioners.

4.The learned counsel for the Intervenor submitted that the petitioners/A3 and A4 and A1 and A2 had already approached the Principal Sessions Court, Madurai, seeking anticipatory bail, in Crl.M.P.Nos.222 and 263 of 2019. The learned Principal Sessions Judge, Madurai, dismissed the said petitions, vide order dated 25.01.2019.

5.The learned Additional Public Prosecutor submitted that admittedly, the petitioners are residing in some other place and after came to know the purchase by the de-facto complainant, they immediately occupied the premises and refused to vacate the same. He further submitted that investigation is pending.

6.Considering the facts and circumstances of the case and also considering the fact that the property stands in the name of A1 and after perusing the Encumbrance Certificate, the de-facto complainant had purchased the property from A1 and the petitioners, who are the brothers of A1, refused to vacate the premises, this Court is not inclined to grant anticipatory bail to them. Accordingly, the Criminal Original Petition is dismissed.

sd/-
07/02/2019

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

TO

- 1 THE SUB INSPECTOR OF POLICE
ANNA NAGAR POLICE STATION, MADURAI.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.1521 of 2019
Date :07/02/2019