



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

Friday, the First day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.1556 of 2019

1 RANI REETABAI
2 SAMRAJ KUMAR
3 SALOMON MOHAN DURAI

... PETITIONERS / ACCUSED
(RANK NOT KNOWN)

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
TOWN POLICE STATION,
ARUPPUKOTTAI, VIRUDHUNAGAR DISTRICT.
(CRIME NO.NOT KNOWN OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioners: Mr.S.POORNACHANDRAN, Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)

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 under Sections 442 and 420 IPC, in Cr.No.Not Known of 2019 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner is the sister of the de-facto complainant's wife. Initially, the property was purchased by the de-facto complainant and he permitted the petitioners to accommodate and maintain the property. Thereafter, the petitioner illegally entered another rental agreement with third parties in order to create dispute over the property, for which the de-facto complainant before the respondent police registered a complaint against the petitioners.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Infact the petitioners had contributed to purchase the property handed over to the de-facto complainant and subsequently the de-facto complainant



filed a civil suit for eviction against the petitioners in O.S.No.251 of 2018, which is pending on the file of the Sub-Court, Aruppukkottai. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. side) appearing for the State would submit that initially the de-facto complainant, under the impression that the petitioners were in occupation of the premises, filed a suit against the petitioners for eviction and subsequently, the de-facto complainant came to know that the third parties have occupied the premises, for which the de-facto complainant lodged a complaint before the respondent police. Hence, he opposed to grant of anticipatory bail to the petitioners.

5.Considering the fact and circumstances of the case and considering the fact that the elder sister of the de-facto complainant's entered into a rental agreement with the third parties and asked them to stay in the property in order to create dispute over the property and also considering the allegations levelled against the petitioners, this Court is not inclined to grant anticipatory bail to the petitioners.

6.Accordingly, this criminal original petition stands dismissed.

sd/-

01/03/2019

/ TRUE COPY /

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

TO

1. THE INSPECTOR OF POLICE,
TOWN POLICE STATION,
ARUPPUKOTTAI,
VIRUDHUNAGAR DISTRICT.

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

+1. CC to Mr.S.POORNACHANDRAN Advocate SR.No.4098

ORDER

IN

CRL OP(MD) No.1556 of 2019

Date :01/03/2019

MS/VR/SAR-2/01.03.2019/2P.4C