



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

Tuesday, the Nineteenth day of February Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2150 of 2019

1 SASIKUMAR
2 SOUNDARAPANDI

... PETITIONERS /1st AND 3rd ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
SS COLONY POLICE STATION,
MADURAI CITY,
MADURAI DISTRICT.
CRIME NO.43/2019

... RESPONDENT / COMPLAINANT

For Petitioners: Mr.S.SUMESH, Advocate

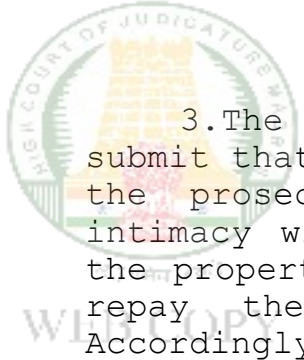
For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Government Advocate(Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioners who are apprehending arrest at the hands of the respondent police for the alleged offence under Sections 147, 427, 447, 294(b), 323, 506(i) IPC and Section 4 of TNPHW Act, 2002 in Cr.No.43 of 2019, on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that the petitioners are the tenant under the defacto complainant and accordingly, they have entered into a lease agreement with the defacto complainant in the year 2011, for running Hotel business by paying 5,00,000/- as advance and agreed to pay Rs.30,000/- as rent per month. Thereafter, a dispute arose between the defacto complainant and the petitioners. The defacto complainant filed a suit in R.C.O.P.No.5 of 2016 before the learned District Munsif Court and the same was decreed in favour of the defacto complainant and directed to the petitioners to evict the property within two months. Thereafter, the petitioners trespassed the property and abused the defacto complainant in filthy language and also attacked her. Hence, the complaint.



3.The learned counsel appearing for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution and that the defacto complainant had illegal intimacy with one Manogaran and that the defacto complainant sold the property to one Manikandan and the defacto complainant did not repay the advance amount and damaged the hotel articles. Accordingly, he would pray anticipatory bail to the petitioners.

4.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that past three years the disputed hotel is under lock and seal and that investigation is pending.

5.Considering the facts and circumstances of the case and considering the fact that right from the year 2015, the property is under lock and seal and that the petitioners implicated new version that Manikandan is the owner of the property and made allegations about the character of the defacto complainant and also considering the grievous offence committed by the petitioners, I am not inclined to grant anticipatory bail to the petitioners. Accordingly, this Criminal Original Petition is dismissed.

sd/-

19/02/2019

/ TRUE COPY /

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

TO

1. THE INSPECTOR OF POLICE
SS COLONY POLICE STATION,
MADURAI CITY,
MADURAI DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to Mr.S.SUMESH Advocate SR.No.3424

ORDER

IN

CRL OP(MD) No.2150 of 2019

Date :19/02/2019

MS/PN/SAR-3/20.02.2019/2P.4C