

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

Thursday, the Eleventh day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.4459 of 2019

JOHN BRIDGEN

... PETITIONER / ACCUSED NO.2

Vs

THE STATE OF TAMILNADU REP.BY
THE INSPECTOR OF POLICE
MARTHANDAM POLICE STATION,
KANYAKUMARI DISTRICT.
(CRIME NO.257 OF 2015)

... RESPONDENT / COMPLAINANT

For Petitioner : MR. C.K.M. APPAJI Advocate

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

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 174 Cr.P.C., @ 306 IPC in Cr.No.257 of 2015 on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that on 24.04.2015, one Jeyachandra / husband of the defacto complainant has committed suicide by consuming poison. Immediately, thereafter, the Law Enforcing Agency has registered the case in Crime No.257 of 2015 under Section 174 Cr.P.C. After investigation, it is found that the petitioner and his brother by name John Sugirgen (A1) entered into an unregistered tenancy agreement with the deceased Jeyachandra, on 07.10.2013 upto five years. The petitioner is running a scan centre in the name and style of the Global Scan Centre. They laid unnecessary condition to vacate the tenanted portion and gave life threat to him and due to their abrupt behaviour, the deceased got panic and committed suicide. Subsequently, the case was altered into 306 IPC. Hence, this petition has been filed.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution. It is purely landlord and tenant relationship and the petitioner also instituted a civil suit in O.S.No.03 of 2019 before the Principal District Munsif Court, Kuzhithurai against the defacto complainant and also obtained an interim injunction. Though the tenancy agreement was expired on 29.09.2018, the petitioner has legal right to file a civil suit and obtain interim injunction. However, the petitioner locked the entire premises and did not conduct any business there. The first accused has been arrested and enlarged on bail.

4.The learned Government Advocate (Crl.Side) for the respondent police would submit that the defacto complainant is the lady and she has two sons and they are majors. They are unable to fight with the petitioner. Since the petitioner gave life threat to the defacto complainant, there is no security to the defacto complainant, unless the petitioner has vacated the premises and no proof is produced before this Court, as if the petitioner paid a sum of Rs.10,00,000/- as advance and it appears that he has not paid rent regularly.

5.Considering the facts and circumstances of the case and considering the heinous offence committed by the petitioner and because of the act of the petitioner, one person has lost his life, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, this petition is dismissed. The allegation in this case is that the premises were used for illegal act by the petitioner. Due to that, the defacto complainant's husband lost his life. Hence, the Law Enforcing Agency is directed to seize and seal the premises and hand over the key to the learned Principal District Munsif, where the suit in O.S.No.3 of 2019 is pending. The learned Principal District Munsif, Kuzhithurai, shall pass appropriate orders and dispose of the suit in O.S.No.3 of 2019, within a period of three months from the date of receipt of a copy of this order.

sd/-

11/04/2019

/ TRUE COPY /

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

TO

1.THE PRINCIPAL DISTRICT MUNSIF, KUZHITHURAI.

2.THE INSPECTOR OF POLICE,
KANYAKUMARI POLICE STATION,
KANYAKUMARI DISTRICT.

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

+1 CC to MR.C.K.M.APPAJI, Advocate (SR-6608[I] dated 11/04/2019)

ORDER

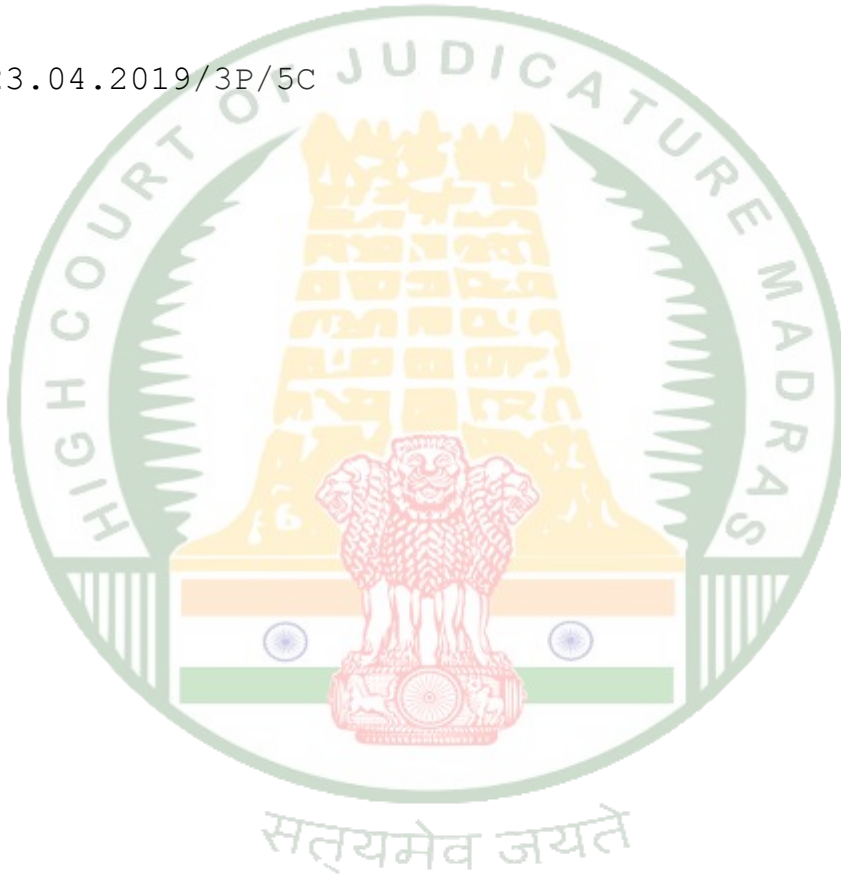
IN

CRL OP(MD) No.4459 of 2019

Date :11/04/2019

Myr

AE/JC/SAR-I/23.04.2019/3P/5C



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