



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

Date : 02/07/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.8722 of 2019

1. Boomirajan,
2. Pandiyarajan,, ... Petitioners/Accused 3 & 4

Vs

State rep. By,
The Inspector of Police,
Tallakulam Police Station,
Madurai City.
(Crime No.896 of 2019) ... Respondent/Complainant

Annakodi ... Petitioner/Intervene Petitioners
in CRL MP(MD).No.5763 OF 2019
IN CRL OP(MD).NO.8722 of 2019

For Petitioner : M/s.S.Muniyandi,
Advocate.

For Respondent : Mrs.M.Anantha Devi,
Government Advocate (Crl.Side)

For Intervener : Mr.MARAN, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.896 of 2019 on the file of
the respondent Police.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the
respondent police for the offences punishable under Sections 448,
427, 294(b), 323 and 506(ii) of IPC and Section 4 of Tamil Nadu
Prohibition of Harassment of Women Act in Crime No.896 of 2019,
seeks anticipatory bail.



2. Heard both sides.

3. The learned counsel appearing for the petitioners has submitted that the properties concerned originally belonged to the mother of the petitioners. He further submitted that the petitioners are innocent persons and they have been falsely implicated in the above case. Hence, he prayed for grant of anticipatory bail to the petitioners. In support of his contentions, he relied upon the encumbrance certificate.

4. The learned counsel appearing for the intervener/defacto complainant has produced a copy of the sale deed dated 17.04.1995 to show that the defacto complainant and her husband had purchased the property which is under dispute. Further he has produced a copy of the patta also and opposed this petition as the petitioners are land grabbers.

5. The learned Government Advocate (Crl. Side) has submitted that one previous case is pending against the first petitioner. Hence, she strongly opposed this petition.

6. In the said encumbrance certificate produced by the petitioners, it is stated that one Sornathammal had purchased the property in R.S.No.178/1B1 from one Kadhar Basha Shahib. It is not known whether the said Sornathammal is the mother of the petitioners or not. Further, the petitioners have not produced any document to show that they are the sons of said Sornathammal. So based on the said document, this Court is not able to come to a conclusion that the properties in dispute belong to the petitioners. Further, the defacto complainant has produced a copy of the sale deed and patta in support of his claim.

5. Taking into consideration of the aforesaid facts and also the fact that one previous case is pending against the first petitioner, this Court is not inclined to grant anticipatory bail to the petitioners. Hence, this criminal original petition is dismissed.

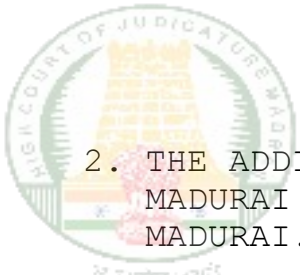
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02/07/2019

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

TO

1. THE INSPECTOR OF POLICE,
<https://hcservices.ecourts.gov.in/hcservices/>
TALLARULAM POLICE STATION,
MADURAI CITY.



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

+1 CC to M/s.M.MARAN, Advocate (SR-11046[I] dated 04/07/2019)

ORDER

IN

CRL OP(MD) No.8722 of 2019

Date :02/07/2019

vsg

AE/VR/SAR-II (10.07.2019) 3P 4C