

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.14957 of 2020

and Crl.M.P.No.6626 of 2020

R.VEERASAMI @ VEERASAMY

... Petitioner

Vs.

STATE REP BY
INSPECTOR OF POLICE
SARAVANAMPATTY POLICE STATION
COIMBATORE DISTRICT
(Crime No.1987 of 2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of arrest in Crime No.1987 of 2020 on the file of the respondent police.

For Petitioner : Mr.C.Mohanraj

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

For Intervenor : Mr.C.Subramanian

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrested at the hands of the respondent police for the offence punishable under **Sections 457, 380, 506(i) IPC** in Crime No.1987 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that he is running a mobile shop at 184, Sarojini Complex and has paid an amount of Rs.15 lakhs as advance. While so, due to Covid pandemic, he had closed the shop for four months. At that time, the petitioner/the owner of the property along with his wife and other persons who could be identified, had broken open the lock of the shop on 03.08.2020 and on information, the defacto complainant had come to the shop and found the accused had broken open the shop and taken away Rs.6.50 lakhs worth of cell phones and other accessories following which, the defacto complainant had

given a complaint before the respondent police and the same was taken in C.S.R.No.415 of 2020. During enquiry, the petitioner had agreed to return the properties to the police. However, they did not returned the same. Therefore, the defacto complainant filed a Civil Suit before the District Munsif Court, Coimbatore, in O.S.No.658 of 2020 and requested to hands over the key of the shop. Whereas, the accused along with other associates, had once again threatened the defacto complainant saying that he is the person from outside and he cannot fight with them and also threatened him with dire consequences. Therefore on 29.08.2020, the defacto complainant once again gave a complaint before the respondent police in C.S.R.No.466 of 2020 and again at the time of enquiry, the petitioner had agreed to return the cell phones and other items and thereafter, did not return the same. Thereby, the present complaint was given stating that despite the order of the Civil Court, the accused had taken law into their own hands and had broken open the lock of the defacto complainant's shop and committed theft of mobile phones, other accessories and other interior items.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and a false complaint has been given against the petitioner due to tenancy dispute. Hence, he prays for grant of anticipatory bail.

4.The learned Additional Public Prosecutor appearing for the respondent would vehemently oppose stating that the defacto complainant is a tenant in the premises owned by the petitioner. During Covid, the defacto complainant had closed his shop and there was some dispute between them. At that time, the petitioner and his family members broke open the shop and had taken away cell phones and other accessories and caused damage to the shop. He would submit that a Civil Suit is pending between the parties. However, without obeying the order of the Court, the accused have taken law into their hands and have broken open the shop of the defacto complainant and taken away cell phones, other accessories and interiors from his shop.

5. The learned Counsel for the Intervenor would submit that the defacto complainant is a tenant under the petitioner and he had paid an amount of Rs.15 lakhs as advance and was running a mobile shop. During Covid, the shop was closed and that the defacto complainant was unable to give the rent. Therefore, the petitioner along with his associates, had broken open the shop and taken away the entire items in the shop including mobile phones and accessories worth Rs.6.50 lakhs and also caused damages to the interiors worth Rs.6 lakhs. He would submit that though the accused had agreed to return the cell phones and other items, they have not returned the same. Further, while the Civil case was pending between the parties, the accused have taken law into their hands and have broken open the shop and taken away all the items kept in the shop and they are yet to be recovered. Hence, he vehemently opposed for grant of anticipatory bail.

6. Heard the learned Counsels and perused the materials placed on record.

7. Taking into account the nature of offence, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed.

-sd/-

15/12/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE INSPECTOR OF POLICE,
SARAVANAMPATTY POLICE STATION,
COIMBATORE DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.C.MOHANRAJ Advocate on payment of necessary charges

+1 CC to M/S.C.SUBRAMANIAN Advocate on payment of necessary charges

CRL OP.14957/2020 &
CRL MP.6626/2020

Date :15/12/2020

MN-08/01/2021

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