



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

Date : 30/01/2020

PRESENT

The Hon'ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD). No.1109 of 2020

A.Murugarajan

... Petitioner/ Sole Accused

Vs

The State rep.by
The Inspector of Police,
Thirunagar Police Station,
Madurai District.
Crime No.22 of 2020.

... Respondent/Complainant

For Petitioner : M/s.T.K.Gopalan, Advocate.

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

For Intervenor : Mr.R.Krishnamoorthy, Advocate.

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

PRAYER :-

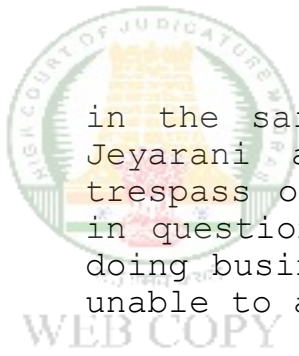
For Anticipatory Bail in Crime No.22 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner, learned counsel appearing for the intervenor, and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 448, 427, 323 and 506(i) of I.P.C., in Crime No.22 of 2020 on the file of the respondent police, seeks anticipatory bail.

3. The case of the prosecution is that the defacto complainant Udayakumar was occupying one of the shops in the commercial complex bearing No.190, Meenakshi Complex, Thirunagar 1st Stop, Madurai. According to him, he was running a mobile shop (sales and service)



in the said premises. There was a dispute between his landlady Jeyarani and the accused herein. The accused herein committed trespass on the occurrence date and thereafter locked the premises in question. For the past several weeks, the shop in which he was doing business, is under lock and seal. The defacto complainant is unable to access his shop premises for continuing his business.

4.The learned counsel appearing for the petitioner states that the commercial building in question which has about 24 shops belongs to the petitioner/accused and his brother Mohan. According to him, a false rival claim is being set up by his sister Jeyarani.

5.He also pointed out that the proceedings are pending between the petitioner and Jeyarani in Probate O.P.No.1 of 2018 on the file of the First Additional District Judge, Madurai. He would claim that Jeya Rani had illegally inducted one Pandiammal in the premises and that, the defacto complainant is a third party interloper who has no claim whatsoever on the property in question. He denied that the complainant herein was running any business. He also would claim that in the premises in question, one Selva kumar was running the business and that, he had absconded and that the shop was remaining closed for the last several months. He totally denied the claim projected by the complainant.

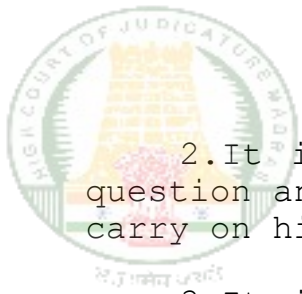
6.The intervenor's counsel strongly asserted that for quite some time, the complainant has been running the business in the premises in question.

7.I called upon the respondent police to conduct preliminary investigation and file a status report. The respondent police have conducted preliminary investigation and filed their status report indicating that the defacto complainant has been occupying the shop in question since 01.10.2017 and that, after the occurrence, the shop has been closed.

8.I, therefore, called upon the petitioner's counsel to come out with some interim arrangement which can enable the defacto complainant to continue the business and at the same time, will not affect the civil and other rights of the accused/petitioner herein.

9.Based on the consent given by the counsel on either side, the following interim arrangement is made:-

"1.Since there is a serious dispute regarding the ownership of the property, I direct the defacto complainant Udhaya Kumar to deposit the monthly rent to the account of the Probate O.P.No.1 of 2018. It is made clear that by doing so, Udaya Kumar is not denying the title of his landlady Jeya Rani and her brother. All that Udaya Kumar states that he was inducted into the shop in question through Jeya Rani and in-laws.



2.It is made clear that Udaya Kumar can re-enter the shop in question and the petitioner will not obstruct Udaya Kumar and he can carry on his business.

3.It is made clear that the respective rights of the parties including the petitioner, Udaya Kumar and that of Jeya Rani will abide by the final outcome of the civil proceedings that are pending or which may be instituted.

4.I make it clear that this arrangements is confined only to the shop that was occupied by the defacto complainant Udaya Kuamr and this will not have any bearing on the remaining shops in the said Meenakshi Complex.

5.It is clarified that the petitioner stridently denies the contents of the status report filed by the police today. This clarification is issued because the defacto complainant Udaya Kumar cannot claim any right of the tenancy by virtue of this order."

10.The criminal original petition is allowed on these terms. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.6, Madurai, and on his executing a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the petitioner shall appear before the respondent police as and when required for interrogation. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

11. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-
30/01/2020

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

TO

1.THE JUDICIAL MAGISTRATE NO 6,
MADURAI.

2.THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.



3.THE INSPECTOR OF POLICE,
THIRUNAGAR POLICE STATION,
MADURAI DISTRICT.

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

+1 CC to M/s.P.THAMBIDURAI, Advocate (SR-1874[I] dated 30/01/2020)

+1 CC to M/s.R.KRISHNA MOORTHY, Advocate (SR-1915[I] dated
30/01/2020)

ORDER IN
CRL OP(MD) No.1109 of 2020
Date :30/01/2020

RMI
TK/VR/SAR.2/10.02.2020/4P/7C