

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Second day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.4060 of 2021

V.K.THAMIZHMANI

[PETITIONER/ACCUSED]

Vs

STATE BY

[RESPONDENT/COMPLAINANT]

INSPECTOR OF POLICE,
CHENGALPATTU TALUK POLICE STATION,
CHENGALPATTU DISTRICT.
CRIME.NO.69 OF 2021.

For Petitioner : M/S.V.G.ANBARASU Advocate

For Respondent : M/S.S.KARTHIKEYAN Additional Public Prosecutor

For Intervenor : M/S.M.BABU MUTHU MEERAN Advocate

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

ORDER : The Court Made the following order :-

The petitioner is A1. Apprehending arrest at the hands of the respondent police for the alleged offence under Sections 109, 294(b), 323, 427, 447 and 506(ii) of I.P.C. in Crime No.69 of 2021 on the file of the respondent police, the petitioner seeks anticipatory bail.

2. The case of the prosecution is that there was a civil dispute between the defacto complainant and the accused persons. It is alleged that the earlier the petitioner claimed to have grabbed the property of the defacto complainant and impersonating the original owner executed a sale deed and a criminal case has been filed. Subsequently, writ petition were filed and this Court directed to cancel the said document. Thereafter, a civil suit has been filed and the same is pending between the parties. On 23.02.2021, the petitioner/A1 and A2 trespassed into the property and tried to level and fence the land. The same was questioned by the defacto complainant and A2 is stated to have attacked the defacto complainant. Hence, the respondent police registered a case against the petitioner.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the

prosecution and he has been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is a notorious rowdy. He has ten previous case pending against him relating to land grabbing. He would further submit that there are every chance of him getting absconded and thereby, derailing the progress of investigation. Hence, he prays for dismissal of this petition.

5. Considering the nature of the offence and also the alleged involvement of the petitioner in ten previous cases of similar nature and he is a habitual offender, this Court is of the considered view that it is not a fit case for the grant of anticipatory bail as there is every possibility of repeating the offence by the petitioner, if he is released on bail. Thus, the Criminal Original Petition deserves only to be dismissed and the same is dismissed accordingly.

-sd/-
02/03/2021

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 INSPECTOR OF POLICE,
CHENGALPATTU TALUK POLICE STATION,
CHENGALPATTU DISTRICT.

2 THE PUBLIC PROSECUTOR, सत्यमेव जयते
HIGH COURT, MADRAS.

CC to M/S.V.G.ANBARASU Advocate on payment of necessary charges

+1 CC to M/S.M.BABU MUTHU MEERAN Advocate on payment of necessary charges SR.NO.2733.

CRL OP.4060/2021

Date :02/03/2021

EP-11/03/2021