

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Eighth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.8000 of 2021

1 ARULRAJ

[PETITIONER / ACCUSED]

2 RAHIMA

Vs

STATE BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
KOTTAKUPPAM POLICE STATION,
VILLUPURAM DISTRICT.
CRIME NO.67 OF 2021.

For Petitioner : M/S.S.ASHIK AHAMED Advocate

For Respondent : M/S.T.SHUNMUGARAJESWARAN, Govt. Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 447, 386 and 506(i) of IPC in Crime No.67 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners trespassed into the property of the defacto complainant's sister and threatened the defacto complainant and her sister with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the defacto complainant's sister deserted her husband Radja, several years back. Hence,, the said Radja married the second respondent and the same was registered. Thereafter he died. Before his death, he prepared a Will in which he mentioned that the 2nd petitioner is entitled for the scheduled mentioned property. As such the second respondent is entitled for a share in the scheduled property of the said Radja. While so, the defacto complainant's sister sold a portion of the property without the knowledge of the second petitioner. A suit filed by the second petitioner in O.S.No.21 of 2021 is pending before the Additional District Court, Tindivanam. In order to evade the civil suit, the defacto complainant has filed the present complaint. Hence, he sought for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate submitted that the defacto complainant's husband viz., Radja died. The second petitioner/A2 claiming as second wife of the deceased engaged the first petitioner/A1, trespassed into the house of the defacto complainant's sister and insisted her to sign in blank papers and also threatened her with dire consequences. The learned counsel further submitted that A1 has four previous cases. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5.In view of the gravity of offence committed by the petitioners and also considering the submission of the learned Government Advocate that the 1st petitioner has involved in four previous cases, this Court is not inclined to grant anticipatory bail to the petitioners.

6.Accordingly, this Criminal Original Petition is dismissed.

-sd/-
28/04/2021

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 THE INSPECTOR OF POLICE,
KOTTAKUPPAM POLICE STATION,
VILLUPURAM DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.S.ASHIK AHAMED Advocate on payment of necessary charges

MK:20/05/2021

CRL OP.8000/2021

Date :28/04/2021