



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Wednesday, the Fourteenth day of July Two Thousand Twenty One

PRESENT

The Hon'ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.9823 of 2021

A.SRINIVASAN

[PETITIONER / ACCUSED]

Vs

THE STATE OF TAMIL NADU
REP. BY THE INSPECTOR OF POLICE,
G-1-VEPERY POLICE STATION ,
CHENNAI-600007

[RESPONDENT]

For Petitioner : M/S.C.K.M.APPJI Advocate

For Respondent : MR. A.GOPINATH, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 380, 448, 506(i) of IPC in Cr.No.167 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that one Dhanasekar is the owner of property, who is NRI and he rented the property to the defacto complainant and thereafter, the petitioner engaged henchmen to threaten and vacate the defacto complainant in the said premises. Based on the complaint lodged by the defacto complainant, 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. In fact, the petitioner and the defacto complainant had entered into an agreement that both are having equal share in the said property. However, the defacto complainant entered the property illegally. When the petitioner questioned the same, the defacto complainant has lodged a false case against the petitioner. Hence, he prays to grant bail to the petitioner.

4. The learned counsel for the intervenor submitted that One Dhanasekarn is the owner of the property and now he is residing in Singapore. The defacto complainant and the said Dhanasekaran, who is the owner, had entered into agreement for the premises from January



2020. The petitioner, who claims to be the brother of Dhanasekaran, illegally claimed the right over the property and on 11.05.2021, the petitioner engaged the henchmen and broke open the door and trespassed into the property and taken away all the house articles and documents belongs to the defacto complainant and enjoying the said premises. If he is released on anticipatory bail, he may threaten the defacto complainant and hence, he prays to dismiss this petition.

5.The learned Government Advocate submitted that as per enquiry, one Dhanasekaran is the owner of the property and he rented the house to the defacto complainant. The petitioner has illegally trespassed the premises and enjoying the possession. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

6. Taking into consideration the facts and circumstances of the case and also of the fact that the petitioner did not produce any documents for his possession and enjoyment. Further allegation against the petitioner is serious one. Hence, this Court is not inclined to grant bail to the petitioner.

7.Accordingly, this criminal original petition is dismissed.

-sd/-

14/07/2021

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,
G-1-VEPERY POLICE STATION ,
CHENNAI-600007

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SECTION OFFICER
CRIMINAL SECTION,
HIGH COURT, MADRAS.

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

CRL OP.9823/2021

Date :14/07/2021

RW 22/07/2021