



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

Monday, the Nineteenth day of July Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION Nos.11754, 11756 & 11757 of 2021

and

CRL.MP.NOS.6923, 6924 and 6925 of 2021

Joseph Colman	.. Petitioner in Crl.OP.No.11754 of 2021
S.V.Sasikala	.. Petitioner in Crl.OP.No.17756 of 2021
J.Monica Joseline	.. Petitioner in Crl.OP.No.11757 of 2021

-Vs-

The State Rep. by
The Inspector of Police,
V7, Nolambur Police Station,
Nolambur, Chennai-5.
CR.NO.108/2021. Respectively

..Respondent in all the petitions

U.BALAJI

..PETITIONER/INTERVENER ORDERED AS
PER ORDER OF THIS COURT DATED 19/07/2021
MADE IN CRL.MP.NOS.6923,6924 & 6925/2021

For Petitioner : M/S. M.SHAHJAHAN Advocate(IN ALL THE PETITIONS)

For Respondent : Mr.C.E.Pratap Government Advocate (Crl. Side)
(IN ALL THE PETITIONS)

For Intervenor : M/S M.MOHANRAJ Advocate(IN ALL THE PETITIONS)

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 under Sections 468, 471, 420 and 506(1) of IPC in Cr.No.108 of 2021 on the file of the respondent police, seeks anticipatory bail.



2.The case of the prosecution is that on seeing the 'toilet' board put up by the defacto complainant in his property, the petitioners approached him and agreed to take the premises on rental basis and agreed to pay a sum of Rs.10 Lakhs as advance and monthly rent of Rs.80,000/-. Thereafter the petitioners paid a sum of Rs.5,000/- as advance and took possession of the premises and did alteration work for running the shop and promised to pay the balance amount after completion of the renovation work. Thereafter the petitioner are alleged to have done changes in major portion of the premises and when the defacto complainant demanded the balance amount, they refused to pay and also created forged document as if the defacto complainant received Rs.20 Lakhs as advance in cash. Hence, the defacto complainant lodged the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution. He would further submit that earlier the defacto complainant entered into rental agreement with one Paramasivam and since the defacto complainant was not in a position to repay the amount, there was dispute between them and the petitioners helped the defacto complainant to settle the amount in favour of the said Paramasivam and the entire advance payment was paid to the said Paramasivam. Thereafter, the petitioners took possession of the shop and they are running the shop. However, the defacto complainant has lodged a false complaint.

4.The learned counsel appearing for the intervenor submitted that the petitioners claim that they have paid the entire amount by way of cash, however, they have not produced any document to prove the same. He would further submit that the petitioners gave two cheques and instructed the defacto complainant to present the cheques when they as to present them. Except this, there is no other transaction inbetween the petitioners and the defacto complainant. The learned counsel further submitted that the defacto complainant is an age old person and the petitioners engaged goondas and took possession of the premises.

5.The learned Government Advocate submitted that earlier the petitioners have filed Crl.O.P.Nos.8472, 8473 and 8474 of 2021 and this Court vide order dated 14.06.2021 dismissed the said petitions.

6.The petitioners have not produced any proof to show that they have paid the advance amount to the defacto complainant. Further, there is no change in circumstances subsequent to the order passed in Crl.O.P.Nos.8472, 8473 and 8474 of 2021. Hence, I am not inclined to grant anticipatory bail to the petitioners.



7. Accordingly, these criminal original petitions are dismissed.

-sd/-

19/07/2021

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,
V7, NOLAMBUR POLICE STATION,
NOLAMBUR, CHENNAI - 600 095.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. M.SHAHJAHAN Advocate on payment of necessary charges
Sr.7613

CRL OP Nos.11754,11756 & 11757 of 2021
and CRL.MP.NOS.6923,6924 and 6925 of 2021

Date :19/07/2021

RVR 02/08/2021