



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighth day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.16340 of 2021

1 M.PRABHAKARAN

[PETITIONERS/ ACCUSED]

2 M.RAJA

Vs

THE STATE REPBY
THE INSPECTOR OF POLICE,
MAGARAL POLICE STATION,
KANCHIPURAM DISTRICT.
(CRIME NO.376/2021)

[RESPONDENT]

For Petitioner : KANCHI GV.MATHIAZHAGAN 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 case has been heard through video conference)

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 294(b), 454, 506 (ii) of IPC r/w Section 3(i) of Tamil Nadu Property (Prevention of Damage and Loss) Act in Crime No.376 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioners entered into the defacto complainant's house and cut down Banana trees (9) worth about Rs.4,500/-, Lemon tree (1) worth about Rs.3,000/- with 200 lemon , Drum Stick (1) worth about Rs.500/- and also damaged the drainage pipe worth about Rs.900/- and abused the defacto complainant with filthy language and also threatened him with dire consequences. Hence, the complaint.



3. The learned counsel for the petitioner submits that the dispute land is a poramboke land and father-in-law of the defacto complainant has encroached the same and put up house therein. Thereafter, they themselves divided their house and land into 5 shares and allotted one of the shares to defacto complainant's husband and the petitioners have not committed any such offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) submits that the petitioners are habitual offenders and apart from that there are three previous cases pending against them.

5. In view of the submissions made by the learned Government Advocate (Crl.Side) and also considering the fact that there are three previous cases pending against the petitioners, this Court is not inclined to grant anticipatory bail to the petitioners. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

08/09/2021

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 PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

2 THE INSPECTOR OF POLICE,
MAGARAL POLICE STATION,
KANCHIPURAM DISTRICT.

CC to KANCHI GV.MATHIAZHAGAN Advocate on payment of necessary charges

CRL OP.16340/2021

Date :08/09/2021

RW 30/09/2021