



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Fifteenth day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.16598 of 2021

APOON @ DAYALAMOORTHY

[PETITIONER / ACCUSED]

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
V1, VILLIVAKKAM,
CHENNAI-600 049.
CR.NO.105 OF 2021.

[RESPONDENT]

For Petitioner : M/S.S.DEEPIKA Advocate

For Respondent : M/S. A.GOPINATH, Govt. Advocate (CrI. Side)

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested on 04.08.2021 and remanded to judicial custody for the offences punishable under Sections 380, 448, 506(I) IPC later altered into Sec 4(1) of Women Harassment Act, r/w Sec 120 B, of IPC, in Cr.No.105 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant's mother is the original owner of the property. After the death of her mother, her father was taken to London. Since he insisted for living at Chennai, aged about 78 years, was left at the disputed premises. Further, the defacto complainant's father allegedly married with A1 by way of registration and further the defacto complainant had appointed A2 as caretaker of her father. After demise of her father, the petitioner along with other accused persons have created some fabricated documents and also looted the money and jewels available in the house. After expiry of the father, when the defacto complainant came from London to attend his father's last rites, the petitioner along other accused persons had demanded a sum of Rs.1 Crore from the defacto complainant for vacating the property. Immediately, the defacto complainant lodged a complaint before the respondent police,



however, the case has not been registered against the petitioner along with other accused persons. Thereby, the defacto complainant had filed a petition under Section 482 of Cr.P.C before this Court in CrI.O.P.No.10691 of 2021, seeking a direction to vacate the encroachment made by the accused persons, however the valuable jewels were also not been recovered. Hence, the law enforcing agency registered a case against the petitioner along with other accused persons.

3. The learned senior counsel for the petitioner submitted that the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case and the petitioner has been in jail from 04.08.2021. He further submitted that the petitioner is a practising advocate and also engaged himself with a political party, a false case has been foisted against the petitioner. He further submitted that the defacto complainant without implicating the accused persons and hearing and ex-parte order was passed by Competent Court. He further submitted that there are 8 previous cases are lodged, out of which 2 cases have already been quashed by this Court. Therefore, he prays to grant bail to the petitioner. 4. The learned Government Advocate (CrI.Side) appearing for the respondent submitted that the petitioner along with the other persons created some forged documents and demanded a sum of Rs.1 Crore from the defacto complainant and also swindled the valuables from the property, the valuables were also not recovered from the accused persons and the investigation is at initial stage. He further submitted that there are 8 previous cases pending as against the petitioner and he is a history sheeter. Hence, he vehemently opposed for grant of bail to the petitioner.

5. Considering the facts and circumstances of the case and also the fact that there are 8 previous cases pending as against the petitioner and he is a history sheeter and considering the gravity of offence, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

15/09/2021

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.



1 THE INSPECTOR OF POLICE,
V1, VILLIVAKKAM, CHENNAI-600 049.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

+1 CC to M/S.S.DEEPIKA Advocate on payment of necessary charges
SR.No.10055

CRL OP.16598/2021

Date :15/09/2021

APN 01/10/2021