



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Eighth day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.17917 of 2021

SELVAKUMAR

[PETITIONER / ACCUSED]

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
J-9, THURAIPAKKAM POLICE STATION,
CHENNAI - 600 097.
(CRIME NO.707/2021)

[RESPONDENT]

For Petitioner : M/S.P.PANDIYARAJ Advocate

For Respondent : MR.C.E.PRATAP, Govt. Advocate (Crl. Side)

For Intervenor : MR.D.MADHUSUDANAN Advocate

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

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest for the alleged offence under Sections 465, 468 & 471 of IPC in Cr.No.707 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that de-facto complainant is the owner of the commercial building, she rented it to one Renuka for commercial purpose on monthly rental basis. The petitioner/brother-in-law of said Renuka, illegally encroached the property and running a hotel business. Thereafter, due to some rental dispute between defacto complainant and the said Renuka, there arose a wordy quarrel between them and the de-facto complainant asked to vacate the building, but the petitioner is not inclined to hand over the property. Also, the petitioner created a forged rental agreement as if the tenant Renuka is the owner of the property and also filed a suit for injunction in O.S.No.660 of 2012 which was dismissed for default on 12.07.2012. Even after that the petitioner has not vacated the building and created a nuisance. Hence the Law Enforcing Agency registered a case against the petitioner.



3. Learned counsel for intervener submits that the petitioner created a forged document as if the de-facto complainant entered into a rental agreement with the petitioner. When the same was sent to the Forensic experts, it was revealed by the experts that the agreement was a forged one.

3. Learned counsel appearing for the petitioner submits that the property was initially rented to the petitioner's father and he has been paying the rent regularly. He further submits that the de-facto complainant threatened the petitioner to vacate the premises without any prior information and also locked the premises. Thereafter, the petitioner filed injunction suit in O.S.No660/2012 and the interim injunction was granted on 22.08.2012. Also the restoration petition was filed in I.A.Sr.No.4207 & 4208 of 2021 with delay petition which was pending before the Hon'ble II Additional District Munsif, Alandur. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl side) submits that the petitioner illegally encroached the property of the defacto complainant and running a hotel business without paying the rent from 2012. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Considering the fact that the petitioner said to have created a forged document and considering the gravity of the offence, this court is not inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this petition seeking anticipatory bail is dismissed

-sd/-
28/09/2021

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 INSPECTOR OF POLICE,
J-9, THURAIPAKKAM POLICE STATION,
CHENNAI - 600 097.



2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.P.PANDIYARAJ
charges SR.NO.10755

Advocate on payment of necessary

+2CC to M/S.MADHUSUDANAN
charges SR.NO.10686+10677

Advocate on payment of necessary

CRL OP.17917/2021

Date :28/09/2021

CSK 25/10/2021