



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Sixth day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL MISCELLANEOUS PETITION Nos.10123 and 10124 of 2021

and

Crl.O.P.Nos.15853 and 15854 of 2021

M.ABDUL RAZACK [PETITIONER/INTERVENER/ DEFACTO COMPLAINANT
IN BOTH THE PETITIONS]

Vs

1 P.SELVA MAHESH RAJA @ P.J.MAHESH RAJA [RESPONDENT/PETITIONER/
ACCUSED IN CRL.MP.NO.10123/2021 &
IN CRL.OP.NO.15854/2021]

2 STATE REP.BY [RESPONDENT/DEJURE COMPLAINANT
THE STATION HOUSE OFFICER, IN CRL.MP.NO.10123/2021 &
NORTH BEACH POLICE STATION-B1, IN CRL.OP.NO.15854/2021]
FLOWER BAZAAR,
CHENNAI.

1 RAJ PRADEEP [RESPONDENT/PETITIONER/ACCUSED
IN CRL.MP.NO.10124/2021 &
IN CRL.OP.NO.15853/2021]

2 STATE REP.BY [RESPONDENT/DEJURE COMPLAINANT
THE STATION HOUSE OFFICER, IN CRL.MP.NO.10124/2021 &
NORTH BEACH POLICE STATION-B1, IN CRL.OP.NO.15853/2021]
FLOWER BAZAAR,
CHENNAI.

Petitions praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to pass an order to cancel the anticipatory bail granted to 1st respondent in Crl.O.P.Nos.15854 & 15853 of 2021 dated 01.09.2021 and thus render justice. [IN CRL.MP.Nos.10123 & 10124/2021]



Order : These petitions coming on for orders upon perusing the petitions and the filed in support thereof and upon hearing the arguments of M/S. E.V.CHANDRU, Advocate for the petitioner [IN BOTH THE PETITIONS] and of M/S.A.R.L.SUNDARESAN, Senior Advocate for M/S.A.R.KARTHIK LAKSHMANAN, Advocate for 1st Respondent [IN BOTH THE PETITIONS] and of MR. C.E.PRATAP, Govt. Advocate (Crl. Side) for 2nd Respondent [IN BOTH THE PETITIONS] the court made the following order:-

These miscellaneous petitions have been filed to cancel the anticipatory bail granted to the first petitioner in Crl.O.P.Nos.15853 of 2021 and to the petitioner in Crl.O.P.No.15854 of 2021 dated 01.09.2021.

2. The case of the prosecution is that the first and second petitioners in Crl.O.P.No. 15853 of 2021 are the sons of one P.Selva Mahesh Raja @ P.J.Mahesh Raja who is the petitioner in Crl.O.P.No.15854 of 2021. The disputed property(building) belongs to Administrator General and Official Trustee of Tamil Nadu and the same is situated at No.19, Adam Street, Chennai to an extent of 2102 sq.ft. Initially in the year 1987, the lease was granted in favour of the said P.Selva Mahesh Raja @ P.J.Mahesh Raja and he had constructed a building on his own and the same was used as a mansion and also he had put up his own furniture and fittings in the said building and the lease was periodically extended and finally in the year 2018 rent was fixed at Rs.13,500/- per month by increasing 15% per annum. Aggrieved by the said fixation of fair rent, the first and second petitioners father filed an application for fixation of fair rent before this court and the same was dismissed by the Division Bench of this court. Aggrieved against the said dismissal order, the P.Selva Mahesh Raja @ P.J.Mahesh Raja has preferred Special Leave Petition before the Hon'ble Supreme Court and the same was also dismissed. Subsequently, the aforesaid property was surrendered to Administrator General and Official Trustee of Tamil Nadu on 05.08.2021 and thereafter, the Administrator General and Official Trustee of Tamil Nadu came to know that the said building was damaged to the tune of Rs.35,00,000/- and he has filed a complaint in Crime No.1253 of 2021. Subsequently the petitioner filed a anticipatory bail petitioners and this Court has also granted anticipatory bail to the petitioners in Crl.O.P.Nos.15853 of 2021 and in Crl.O.P.No.15854 of 2021 dated 01.09.2021. To cancel the anticipatory bail the present petition has been filed by the intervenor/M.Abdul Razack.



4. Today when the matter is taken up for hearing, the learned counsel for the accused on instructions submitted that the accused on their own volition are ready and willing to pay a sum of Rs.2,00,000/- to the defacto complainant within a period of two weeks from the date of receipt of a copy of the order, without prejudice to his rights and contention at the time of trial.

5. Recording the submissions made by the accused that they on their own volition are ready and willing to pay a sum of Rs.2,00,000/- to the defacto complainant within a period of two weeks from the date of receipt of a copy of the order, this Criminal Miscellaneous petitions are closed.

-sd/-
06/10/2021

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 VII METROPOLITAN
MAGISTRATE, GEORGE TOWN, CHENNAI-600 001.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
NORTH BEACH POLICE STATION,
FLOWER BAZAAR DISTRICT,
CHENNAI.

4 THE STATION HOUSE OFFICER,
NORTH BEACH POLICE STATION- B1,
FLOWER BAZAAR, CHENNAI.



5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 C.C. to M/S. E.V.CHANDRU Advocate on payment of necessary
charges SR.NO.11221

+1 C.C. to M/S.AL.GANTHIMATHI Advocate on payment of necessary
charges SR.NO.11111

Order
in
CRL MP.Nos.10123 and 10124 of 2021
&
CRL OP.NOs.15853 and 15854 of 2021
Date :06/10/2021

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format

RW 15/12/2021