



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Seventh day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.18916 of 2021

ILAYARAJA

[PETITIONER / ACCUSED]

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
CHIDAMBARAM TALUK POLICE STATION,
CHIDAMBARAM,
CUDDALORE DISTRICT.
CRIME NO.211/2021

[RESPONDENT]

For Petitioner : M/S.G.PUGAZHENTHI Advocate

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

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 294(b), 506 (ii), 468 and 420 IPC in Cr.No.211 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the land comprised of R.S.No.115/3, New No.115/3A situated at Vayalur Village, Chidambaram Taluk, belongs to Ashokkumar, the brother of the defacto complainant. The said Ashokkumar is at Malaysia from the year 2012. Therefore the said property is under the control of the defacto complainant. When the defacto complainant was taking treatment at Trichy for about 6 months, the petitioner encroached the land by forging the Lease Deeds. On 05.07.2021, when the defacto complainant went to the land and asked the petitioner to dispossess the land, the petitioner abused him with filthy language and attempted to assault him with aruval and threatened him to commit murder. Hence the case was registered.



3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. One Mr.Ravishankar and his brother / defacto complainant are known to the petitioner for about a decade and the defacto complainant was ready and willing to let out the said premises to the petitioner for rent. As such, a lease agreement dated 26.11.2015 was executed between the petitioner and the defacto complainant. When the petitioner started a small scale industry, he was instructed by the officials to submit the lease agreement for a period of 20 years and as such the said lease agreement was extended for a period of 20 years. All of a sudden, the defacto complainant directed to vacate the premises on or before 30.06.2021 and when the petitioner refused to vacate the premises as the lease agreement prescribed the tenure of lease for 20 years, he falsely implicated in the criminal prosecution.

4. It is the further submission of the learned counsel appearing for the petitioner that afterwards, the petitioner has filed a suit for permanent injunction before the Principal District Munsif Court, Chidambaram and obtained an injuntion in O.S.No.75 of 2021 dated 13.07.2021. When the dispute before the lower court is of a civil nature, lodging criminal prosecution for the very same issue against the petitioner is not sustainable and hence prays for grant of anticipatory bail.

5. The learned counsel appearing for the intervenor submitted that the petitioner has forged the Lease Deed and stayed in the land of the defacto complainant and refused to vacate the premises. When it was asked, the defacto complainant was threatened with dire consequences and hence strongly opposed to grant anticipatory bail to the petitioner.

6.The learned Government Advocate (Crl.Side) did not dispute the fact of civil dispute pending between the parties before the Lower Court.

7. Considering the nature of the case that the very same dispute is pending before the Principal District Munsif Court, Chidambaram, in O.S.No.75 of 2021 and the petitioner has also obtained an order of injunction and since, on the very same issue, a civil suit is pending, I am inclined to grant anticipatory bail to the petitioner .

8.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Chidambaram, Cuddalore District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties, each for a like sum to the satisfaction of the respondent police or



the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police as and when required;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

07/10/2021

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 PRINCIPAL DISTRICT MUNIF
COURT, CHIDAMBARAM.

2 THE JUDICIAL MAGISTRATE,
NO.II, CHIDAMBARAM, CUDDALORE DISTRICT

3 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE DISTRICT. [FOR INFORMATION]



4 THE INSPECTOR OF POLICE,
CHIDAMBARAM TALUK POLICE STATION,
CHIDAMBARAM, CUDDALORE DISTRICT.

5 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1 CC to M/S.G.PUGAZHENTHI Advocate on payment of necessary
charges SR.NO.11167

CRL OP.18916/2021

Date :07/10/2021

RW 07/12/2021