



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 16/06/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

WEB COPY

CRL OP(MD)No.6740 of 2021

Dineshkumar

... Petitioner/Accused No.3

Vs

State rep by
The Sub Inspector of Police,
Kottar Police Station,
Kanyakumari District.
(Crime No.224 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Susi Kumar.C,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory bail in Crime No.224 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 294(b), 397 and 506(ii) IPC in Crime No.224 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant owns seven shops, near S.P.Office, Nagercoil. She lent one shop to A1, prior to the six months to the incident. But he had occupied other three shops and was running his business, without giving any advance or rent. In spite of several requests, A1 had not given rent or hand over the possession of the shops. On 21.04.2021, A1 came to the house of the defacto complainant and asked Rs.20 Lakhs to vacate the shops and also scolded her in filthy language and therefore, she gave a complaint to the Kottar Police Station and petition enquiry is pending. On 23.04.2021, at about 10.30 am., when she had visited the shop, all the accused illegally confined her in the shop and demanded Rs.20 Lakhs. Without any other option, she took Rs.13.50 Lakhs from her Bank account and handed over to A1. Hence, the complaint.

<https://hcservices.court.gov.in/hcservices/> The learned counsel for the petitioner submitted that the



petitioner is an innocent person and he did not commit any offence as alleged by the prosecution. He further submitted that there is no specific overt act against the petitioner and hence, he seeks anticipatory bail to the petitioner.

4.The learned Government Advocate(Crl.side) appearing for the respondent police strongly opposed this petition on the ground that the petitioner had wrongfully retained the owner of the shop and demanded ransom. He further submitted that the anticipatory bail petition filed by A1 and A4 was dismissed on 07.06.2021 and hence, he seeks dismissal of this petition.

5.Narration in the FIR indicates that the petitioner and other accused involved in illegal and wrongful restraint of the defacto complainant and demanded ransom and got it. It is seen that the investigation in this case is not completed. Custodial interrogation of the petitioner is necessary to recover the amount he received from the defacto complainant. Therefore, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this criminal original petition is dismissed.

sd/-
16/06/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1.THE SUB INSPECTOR OF POLICE,
KOTTAR POLICE STATION,
KANYAKUMARI DISTRICT.
- 2.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.6740 of 2021
Date :16/06/2021

KM:RSK:SAR2(22.06.2021) 2P 3C

<https://hcservices.ecourts.gov.in/hcservices/>