



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 15/06/2021

PRESENT

**The Hon`ble Mr.Justice G.ILANGO VAN**

**CRL OP(MD) . No.7317 of 2021**

Jayachandran

... Petitioner/2<sup>nd</sup> Accused

Vs

The State rep.by  
The Inspector of Police,  
Central Crime Branch,  
Madurai City, Madurai.  
Crime No.65 of 2020.

... Respondent/Complainant

For Petitioner : M/s.J.Anandhavalli  
for M/s.K.M.Priscilla Jancy,  
Advocate.

For Respondent : Mr.R.M.Anbunithi,  
Additional Public Prosecutor

For Intervener : Mr.N.Sathis Babu, Advocate

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

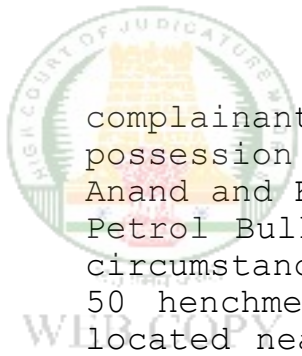
PRAYER :- For Anticipatory Bail in Crime No.65 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for alleged offences punishable under Sections 120(B), 465, 467, 468, 471, 420, 447, 294(b) and 506 (ii) of IPC in Crime No.65 of 2020, seeks anticipatory bail.

2. Heard both sides.

3. The case of the prosecution is that one Narayana Pillai and his wife namely, Chandra Gandhi, who are the father-in-law and mother-in-law of the defacto complainant, bequeathed their properties in favour of his wife namely, Vanaja and her sister namely, Chellammal. After the demise of the above said Narayana Pillai, Chandra Gandhi and Vanaja, the sons of the defacto



complainant namely, Karthikeya Narayanan and Vimal Anand are in possession and enjoyment of the property. Thereafter, the said Vimal Anand and Karthikeya Narayanan entered into a lease agreement with a Petrol Bulk and the same is running without any hindrance. In such circumstance, on 13.12.2020, at 07.00 a.m., the accused along with 50 henchmen, illegally trespassed into the vacant site, which is located near to the Petrol Bulk and started to put up fencing work and the same was questioned by the sons of the defacto complainant, all the accused tried to attack the defacto complainant, his sons and the employees of the Petrol Bulk with deadly weapons. After verifying the revenue records, the defacto complainant came to know that the accused created encumbrance on their property by forging the documents. Hence, the complaint.

4. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioner.

5. The learned Additional Public Prosecutor appearing for the respondent and the learned counsel appearing for the intervener would submit that the accused created encumbrance on the defacto complainant's property by forging the documents and further, the accused assaulted the defacto complainant, his sons and the employees of the Petrol Bulk with deadly weapons. Hence, both are opposed to grant anticipatory bail to the petitioner.

6. On the earlier occasion, Crl.OP(MD)No.6681 of 2021 was moved before me and at the time of hearing, this Court was not inclined to grant anticipatory bail to the petitioner, considering the antecedents and the manner of crime that has been committed by the petitioner. So, at that time, the learned counsel for the petitioner withdrew the same and it was dismissed on 20.05.2021. The present petition came to be filed within a week namely, 25.05.2021. Perusal of this petition shows that no change of circumstance has been mentioned. The successive anticipatory bail application and the bail application will lie only if any change of circumstance is noted in the petition. Reading of the petition shows that it is the copy of the earlier petition namely, Crl.OP(MD)No.6681 of 2021. Not even the punctuation mark has been changed. So, this is the first defect, which must be taken into account. However, since the argument has been advanced on either side, merits have to be discussed.

7. The petitioner would say that it is a case of civil dispute. In which, the disputed Will which stands infavour of his father as well as the defacto complainant are under dispute. In respect of which, civil suit has also been filed in O.S.No.16 of 2021 before the District Court, Madurai.

8. So, according to the learned counsel for the petitioner, it is purely a civil dispute and so, he is entitled for anticipatory



9. But, however, it is submitted by the learned Public Prosecutor as well as the Intervener to the effect that it is a clear case of forgery and the petitioner being the beneficiary of forged documents he is not entitled for anticipatory bail, more particularly, he is involved in so many cases in various Police Stations and he is a History sheeted rowdy.

10. In reply, the learned counsel for the petitioner would submit that the criminal cases have been pending against this petitioner are false and the same, need not be taken into account, since it is an out and out civil dispute, which requires to be resolved by the competent Civil Court. Further, Most of the co-accused were enlarged on anticipatory bail.

11. From the arguments advanced on either side, it is seen that the petitioner is involved in several cases in several Police Stations. A list has also been furnished by the Additional Public Prosecutor before this Court and history sheet in H.S.No.9/2015 was also opened. As on date, it is stated that these criminal cases are pending. So, being beneficiary of alleged forgery and considering the antecedents of the petitioner, discretionary relief of anticipatory bail cannot be extended to such a person, who has criminal antecedents to his credit. So, this is not a fit case to grant anticipatory bail to the petitioner and I find no merits, in this petition.

12. Accordingly, this Criminal Original Petition stands dismissed.

sd/-

15/06/2021

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/ /2021

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

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 INSPECTOR OF POLICE,  
CENTRAL CRIME BRANCH,  
MADURAI CITY, MADURAI.



2. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.K.M.PRISCILLA JANCY, Advocate SR.No.4021

WEB COPY

ORDER

IN

CRL OP (MD) No.7317 of 2021

Date :15/06/2021

DSS

AE/MNR/SAR-IV/18.06.2021/4P/4C