



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

Date : 16/07/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.8825 of 2021

1. M.Marimuthu,
2. M. Shanmugam,
3. M. Chinnamani,
... Petitioners/Accused Nos.1 to 3

Vs

State Rep. by
The Inspector of Police,
Vellanur Police Station,
Pudukottai District,
Crime No.. 219/2021..
... Respondent/Complainant

M/s.Indigo Paints ltd
rep. by the general manager - manufacturing,
shinu varghese,
S/o.Varghese Vallayil Joseph,
4-A/3, sipot Industrial Complex,
Pudukottai District.
...Intervener/Petitioner

For Petitioners : M/s.Louis.S,
Advocate.
For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)
For Intervener : Mr.R.Balakrishnan

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

PRAYER :-

For Anticipatory bail in Crime No. 219/2021 on the file of the

<https://hccs.courts.madras.gov.in/Services>



ORDER : The Court made the following order :-

The petitioners/A1 to A3, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147,148,294(b), 323,324,448 and 506(ii) of IPC, in Crime No.219 of 2021, seek anticipatory bail.

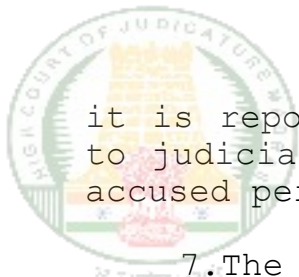
2.The case of the prosecution is that the defacto complainant is working as a production officer in Indigo paints company at Sipcot. His company owns land. Civil suit is pending in O.S.No.66 of 2021 and interim order was granted in their favour and still in force. On 24.06.2021 at about 06.00 pm., when the defacto complainant, General Manager Sinu varghese, Manager Sanjiv, Product Engineer Nagendran were measuring the land, the accused persons came there and scolded them in filthy language. When they were informed them that they are measuring getting orders from the Court , Marimuthu started attacking the defacto complainant by stating that only if you alive you will get orders from the Court. They also attacked Sinu Varghese. Therefore, this case came to be registered.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case.

4. The learned counsel for the intervenor opposed the petition on the ground that the accused in this case along with other persons have been repeatedly interfering with the possession and enjoyment of the property of the defacto complainant. In this regard he had produced the title deeds to show the defacto complainant's company has title deed in possession and enjoyment of the property. That apart he also produced complaints dated 04.03.2021,10.03.2021, copy of the plaint, in O.S.No. 66 of 2021. CSR receipt dated 10.04.2021, order in IA No.144 of 2021 in O.S.No. 66 of 2021 ,copy of the CSR receipt dated 30.04.2021 and also copy of the First Information Report in Crime No. 219 of 2021. He further submitted that the petitioner along with other accused are continuously interfering with the enjoyment of the property and also commit violence , hence he opposed to grant anticipatory bail to the petitioners.

5.The learned Government Advocate (Crl.side) for the respondent strongly opposed this petition on the ground that investigation not yet completed.

6. When this matter came up for hearing on 15.07.2021, after hearing the submission of the parties, this Court directed the learned counsel for the petitioners to ask the petitioners to file an affidavit to the effect that the petitioners will not indulge in violence. It was also informed that the first petitioner was taken



it is reported that the first petitioner was arrested and remanded to judicial custody yesterday. No affidavit has been filed by the accused persons as suggested by this Court.

7. The narration of the facts shows that in spite of several complaints given, the petitioners had involved in similar types of offences again. Therefore this Court is not inclined to grant anticipatory bail to the petitioners.

8. In the result, the petition stands dismissed.

sd/-
16/07/2021

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

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,
Vellanur Police Station, Pudukottai District,
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.R.BALAKRISHNAN, Advocate (SR-4660[I] dated 16/07/2021)

+1 CC to M/s.S.LOUIS, Advocate (SR-4669[I] dated 19/07/2021)

ORDER IN
CRL OP(MD) No.8825 of 2021
Date : 16/07/2021

TR/SRS/SAR-I (22.07.2021) 3P 5C