



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/07/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.9486 of 2021

Jayachandran

... Petitioner/2nd ACCUSED

vs

The State Represented by
The Inspector of Police,
Central Crime Branch,
Madurai City,
Madurai.
(Cr.No.65 of 2020).

... Respondent/Respondent

R.Ramalingam

... Petitioner/Intervener
in CRL MP(MD) No.5070 of 2021
in CRL OP(MD) No.9486 of 2021

For Petitioner : 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.

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



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.

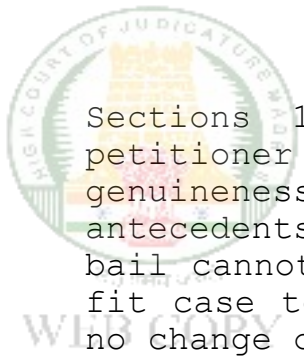
4. The learned Additional Public Prosecutor appearing for the respondent and the learned counsel appearing for the intervener would submit that the accused created encumbrance on the defacto complainant's property by forging the documents and further, the accused assaulted the defacto complainant, his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

5. This is the third anticipatory bail application. A detailed order was passed in Crl.OP(MD)No.7317 of 2021 dated 15.06.2021. After dismissal of the same, this petition came to be filed.

6. The learned counsel for the petitioner would submit that a attempt was made by the prosecution as well as the defacto complainant to project himself as a Habitual Offender, involving in so many cases. But, before 2015, no case was registered against the petitioner. Moreover, as argued earlier, the dispute is only with regard to the genuineness of the disputed Will. The petitioner is only a beneficiary under Will. So, his involvement does not arise and co-accused already released on bail. So, considering this fact, she seeks grant of anticipatory bail to the petitioner.

7. As mentioned earlier, a detailed order has been passed by this Court, observing that the petitioner is involved in so many cases.

8. The learned Additional Public Prosecutor would submit that even after registration of this crime, another case in Crime No.468 of 2021 is registered for the offences punishable under



Sections 120 (b) and 420 IPC etc., So, it appears that the petitioner is continuously roped in criminal cases. Even though, the genuineness of the Will is under dispute, considering the antecedents of the petitioner, discretionary relief of anticipatory bail cannot be extended to him. As mentioned earlier, this is not a fit case to enlarge the petitioner on anticipatory bail and I find no change of circumstance, in this petition.

9. Accordingly, this Criminal Original Petition is dismissed.

sd/-

27/07/2021

/ TRUE COPY /

/ /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.

ORDER

IN

CRL OP(MD) No.9486 of 2021

Date : 27/07/2021

SS/JC/SAR-IV/30.07.2021 : 3P/3C