



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

Date : 26.07.2021

PRESENT

WEB COPY

The Hon'ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) No.9512 of 2021

Balamurugan

... Petitioner/Accused No.1

Vs

The State rep. by
The Inspector of Police,
Thiruppalaikudi Police Station,
Ramanathapuram District.
In Crime No.118 of 2021.

... Respondent/Complainant

Baskaran

...Petitioner/Intervener
De-facto Complainant
(in CRL MP(MD) No.5012/2021
in CRL OP(MD) No.9512/2021)

For Petitioner : Mr.R.Rajesh, Advocate.
For Respondent : Mr.M.Muthumanikkam,
Government Advocate(Criminal Side)
For Intervenor : Mr.D.Balamurugapandi, Advocate.

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

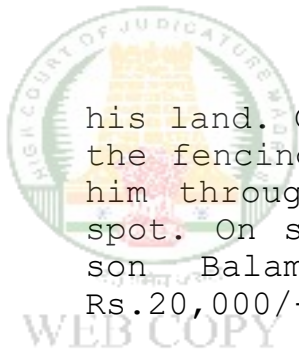
PRAYER :-

For Anticipatory Bail in Crime No.118 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 447, 427 and 436 of Indian Penal Code in Crime No.118 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that there is enmity between the defacto complainant and the petitioner's family in connection with poramboke land in the village. The petitioner had encroached the poramboke land on the east of Mandhinadhar Temple Oorani and stocked haystack. He tried to put up shed in that place 15 days back. The defacto complainant along with other villagers prevented him from putting up shed. Therefore, the petitioner got enraged against the defacto complainant and made criminal intimidation against him. The defacto complainant had made barbed wire fencing in



his land. On 02.07.2021, at about 01.45 am, some persons had damaged the fencing stones and set fire to the haystack. It was informed to him through phone. Immediately, he along with others visited the spot. On seeing them the petitioner Balamurugan and his relative's son Balamurugan fled from there. Damage caused was worth Rs.20,000/-. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he is falsely implicated in this case. In fact, he is a social activist and had taken several steps to protect the natural resources. He filed WP(MD)No.18883 of 2019 implicating the defacto complainant as one of the person illegally removing sand and encroaching the land. Not only that, the Police Inspector was helping the encroachers and he also made sexual advance to his wife. Therefore, the petitioner's wife gave a complaint to the Superintendent of Police, Ramanathapuram. On the basis of this complaint, that Inspector was transferred. Aggrieved over giving the complaint against the Inspector of Police, the present Inspector of Police joining hands with the defacto complainant, registered this false case. Therefore, he seeks anticipatory bail to the petitioner.

4. The learned counsel for the intervenor strongly opposed this petition on the ground that the petitioner has four previous cases pending. He is a known rowdy element. The damage caused to the property is about Rs.20,000/-. Therefore, he seeks dismissal of this petition.

5.The learned Government Advocate (Criminal Side) appearing for the respondent police opposed this petition on the ground that apart from this case, the petitioner has four previous cases pending against him. Therefore, he seeks dismissal of this petition.

6.It is seen from the rival submissions that there is a dispute between the defacto complainant's family and the petitioner's family. The allegation in this case is that the petitioner along with other accused is said to have damaged the fencing and set fire to haystack, causing damage worth about Rs.20,000/-. It is seen that investigation in this case is not completed. Not only that, the petitioner has four previous cases pending against him apart from this case. Taking note of his previous antecedents, this Court is not inclined to entertain this petition. Accordingly, this Criminal Original Petition is dismissed.

sd/-
26/07/2021

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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.

WEB COPY

TO

1. THE INSPECTOR OF POLICE,
THIRUPPALAIKUDI POLICE STATION,
RAMANATHAPURAM DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to Mr.T.VENKATESAN, Advocate (SR.No.4825[I] dated 26/07/2021)

ORDER

IN

CRL OP(MD) No.9512 of 2021

Date :26/07/2021

MBI

SRS/VR/SAR-III/28.07.2021/3P/4C