



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/10/2021

PRESENT

The Hon'ble Mr.Justice B.PUGALENDHI

CRL OP(MD) .No.15513 of 2021

1.Sheik Asarudeen @ Sheik Azardeed
2.Iliyas @ Mohamed Illiyas
3.Sahapudeen
4.Sheik @ Sheik Abdulahir
5.Nisharullah

... Petitioners/Accused
Nos.3,4,9,11 & 12

Vs.

State rep.by
The Inspector of Police,
Ilanyakudi Police Station,
Sivagangai District.
(Crime No.352 of 2021)

... Respondent/Complainant

For Petitioners: M/s.Siva Ilayaraja.S, Advocate.

For Respondent : M/s.P.Kottaichamy,
Government Advocate (Crl.Side)

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

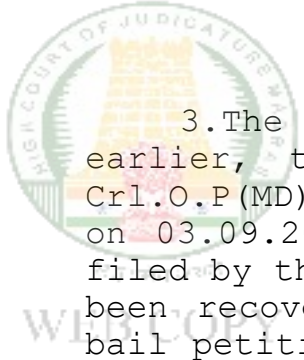
PRAYER :-

For Anticipatory bail in Crime No.352 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A3,A4,A9,A11 & A12 apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 294(b), 427, 448, 506(i)IPC., and later altered and included 457, 468 and 380 IPC., in Crime No.352 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners have damaged the house of the de-facto complainant and also taken away the entire articles from the house of the de-facto complainant. Hence, the case has been registered.



3.The learned counsel for the petitioners submitted that earlier, the petitioners have filed a anticipatory petition in CrI.O.P(MD)No.12231 of 2021 and the same was dismissed as withdrawn on 03.09.2021. Now the second anticipatory bail petition has been filed by the petitioners on the ground that the stolen articles have been recovered from the other accused and that their anticipatory bail petition may be considered. He further submitted that de-facto complainant is the owner of the property bearing Plot No.378 in Survey No.414/9B, Plot No.7 in Survey No.120/1B1A and house property in Plot No.377 in Survey No.414/9B. She wanted to sell her property to settle the debts. Therefore, A1 approached the defacto complainant along with her husband Sahul Hameed and the entire sale consideration was fixed as Rs.41 lakhs and the de-facto complainant received a sum of Rs.40 lakhs from A1 and she executed a unregistered document on 22.07.2021 and did not register and execute the sale deed because there was a dispute between her and A1. The police approached her and at the intervention of police in the civil dispute, the defacto complainant cheated the petitioners. The respondent police illegally detained A1 and assaulted him in this regard. He would further submit that no damage is caused to the house and the house was opened only by the defacto complainant's relatives.

4.Per contra, the learned Government Advocate (CrI.Side), produced a photograph stating that the defacto complainant's house was opened by the accused persons and articles were taken away from the house of the defacto complainant by them.

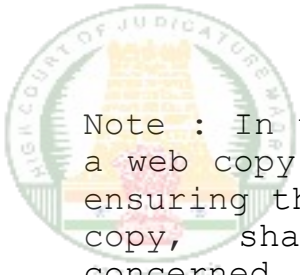
5.Considering the above facts and circumstances of the case and also considering the fact that the the accused broke open the house and stole the articles, this Court is not inclined to grant anticipatory bail to the petitioners.

6.Hence, this Criminal Original Petition stands dismissed.

Sd/-
26/10/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.III)
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,
Ilanyakudi Police Station,
Sivagangai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1. CC to M/S.SIVA ILAYARAJA.S Advocate SR.No.7480

ORDER
IN
CRL OP(MD) No.15513 of 2021
Date :26/10/2021

SP/JM/SAR III/24/11/2021/3P/4C