



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/12/2021

WEB COPY

PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD)Nos.20989 and 21032 of 2021

1.S.Prakash @ Serapu Prakash

2.G.Raja @ Ettu Raja

1.Veeramani

2.Ramachandran

... Petitioners/Accused Nos.3 and 4
(in Crl.O.P(MD) No.20989 of 2021)

... Petitioners/Accused Nos.1 & 2
(in Crl.O.P(MD) No.21032 of 2021)

Vs

The state represented by
The Inspector of Police,
Subramaniyapuram Police Station,
Madurai City,
Madurai.
Cr.No.681 of 2021.

... Respondent/Complainant
(in both petitions)

For Petitioners : Mr.Niranjana S.Kumar, Advocate for
Mr.Murugaganesan.S, Advocate.
(in Crl.O.P(MD) No.20989 of 2021)

For Petitioners : Mr.Niranjana S.Kumar, Advocate.
(in Crl.O.P(MD) No.21032 of 2021)

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)
(in both petitions)

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

COMMON PRAYER :-

For Anticipatory Bail in Crime No.681 of 2021 on the file of
the Respondent police.



COMMON ORDER : The Court made the following order :-

The petitioners/Accused Nos.1 to 4, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 148, 120(B), 427 and 506(2) of IPC in Crime No.681 of 2021 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that one Veeramani had leased the Four Floor Servo Tower Commercial property for the period of 10 years and the entire property was sub-leased by the said Veeramani to the wife of the defacto complainant for the period of 9 years. In the said commercial complex, the defacto complainant has been running a hotel. Due to lockdown, the hotel business was restricted by the State and Central. In the mean while, the aforesaid Veeramani had sub-leased the four commercial shops which was sub-leased to the wife of the defacto complainant. Pursuant to that, a complaint was lodged before the respondent police but the said Veeramani had not co-operated for the enquiry. Subsequently, RDO Tirumangalam had granted permission to run a hotel to the defacto complainant. On the instigation of the said Veeramani, the accused persons and others illegally trespassed into the hotel premises with deadly weapons and threatened the hotel workers and caused damage to the property. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case. He further submitted that the defacto complainant had suppressed the pendency of civil suit filed by his wife in O.S.No.621 of 2020 on the file of the Principal Subordinate Court, Madurai, and lodged the present complaint. He would further submit that case of civil nature has been given a criminal colour.

4. The learned Government Advocate (Crl. side) for the respondent strongly opposed this petition on the ground that investigation is yet to be completed. He further submitted that a case in counter has been registered and the third accused is having four previous case, out of which one case is pending.

5.Considering the nature of offence, the overt act attributed against the petitioners and the fact that there exists a civil dispute between the parties, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, these Criminal Original Petitions are allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate No.4, Madurai District, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and the petitioners shall appear



before the respondent police daily at 10.30 a.m. for a period of 30 days. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7.The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
29/12/2021

/ TRUE COPY /

/ /2022
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 JUDICIAL MAGISTRATE NO.IV,
MADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
- 3 THE INSPECTOR OF POLICE
SUBRAMANIYAPURAM POLICE STATION,
MADURAI CITY, MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

- +1. CC to M/S. MURUGAGANESAN.S Advocate SR.No.9812
+1. CC to M/S. NIRANJAN .S.KUMAR Advocate SR.No.9811

ORDER
IN
CRL OP (MD) Nos.20989
and 21032 of 2021
Date :29/12/2021

SS/PN/SAR-I/03.01.2022 : 3P/7C