



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/01/2022

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PRESENT

The Hon'ble Mrs.Justice R.THARANI

CRL OP(MD). No.129 of 2022

K.SURESH VARMA @ BANGALORE VARMA ... PETITIONER/ACCUSED NO.3

VS

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
SUBRAMANIYAPURAM POLICE STATION,
MADURAI CITY.
(CRIME NO. 680 OF 2021).

... RESPONDENT/COMPLAINANT

For Petitioner : Mr.R.Anand,
Advocate.

For Respondent : Mr.S.S.Madhavan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 680 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.3 apprehending arrest at the hands of the respondent police for the offences punishable under sections 120 (B), 147, 294(b), 379, 447 and 506(ii) of I.P.C., in Crime No.680 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The allegation against the petitioner is that on 22.12.2021, at about 01.00 a.m., more than five persons committed theft in the shop of the petitioner. Again on 23.12.2021, at 06.00 a.m., unknown persons tried to commit theft in the same shop. Hence, a case in Crime No.680 of 2021 for the offences punishable under Sections 120 (B), 147, 294(b), 379, 447 and 506(ii) of I.P.C. has been registered.



3.On the side of the petitioner, it is stated that one Veeramani is in custody of a four storeyed building and he gave the possession of the entire building to the Accused Nos.1 and 2 as sub lease. He received a sum of Rs.35,00,000/- and monthly rent was also fixed. Due to Covid - 19 pandemic situation Accused Nos.1 and 2 were not in position to pay rent for certain months. Without the permission and without the knowledge of the petitioner, the said Veeramani gave the ground floor of the building alone to the complainant. Accused Nos.1 and 2 filed civil suit against Veeramani and the complainant in O.S.No.443 of 2020. Both Accused Nos.1 and 2 and the defacto complainant filed complaint against each other and hence, the police referred both the cases to the Revenue Divisional Officer for enquiry under Section 145 of Cr.P.C. Now the proceedings are pending before the Revenue Divisional Officer. To create some false records to prove that the defacto complainant is in possession, the defacto complainant is lodging various false complaints as if he is in possession. Even as per the wordings in the FIR Accused Nos.1 and 2 are not physically present in the place of occurrence. The allegation is only that they instigated some other person to commit an offence. Already three criminal cases are registered regarding the same matter. Crime No.600 of 2021 was referred to the Revenue Divisional Officer. A case against the defacto complainant in Crime NO.618 of 2021 was also registered. In that case anticipatory bail was granted to the defacto complainant herein. Accused Nos.1 and 2 were already released on bail in Crl.O.P.(MD).No.66 of 2021. The name of the petitioner is falsely implicated in this case and prayed the petitioner to be released on anticipatory bail.

4.On the side of the respondent, it is stated that totally four accused involved in the case. A civil suit is pending. The occurrence is for vacating the premises. It is fairly admitted that A1 and A2 were already released on bail by the Court.

5.It is seen that the enquiry before the Revenue Divisional Officer is pending regarding the possession of the premises. Already a previous criminal case filed by Accused No.1 and 2 against the defacto complainant was pending. The defacto complainant was released on anticipatory bail in that case. A civil suit is also pending between the parties. In view of the same, this Court is inclined to release the petitioner on anticipatory bail with certain conditions.

6. Accordingly, this Criminal Original Petition is allowed and petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate No.IV, Madurai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.



7. The petitioner 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.

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/ /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 DISTRICT.
3. THE INSPECTOR OF POLICE,
SUBRAMANIPURAM POLICE STATION,
MADURAI CITY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.129 of 2022
Date :06/01/2022

USK/VR/SAR-III/10.01.2022/3P/5C