



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Reserved on : 10.03.2022
Delivered on : 21.03.2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.3801 of 2022

Mohamed Rizwan

... Petitioner/Sole Accused

Vs

The State represented by
The Inspector of Police,
Fort Police Station,
Trichy City,
Trichy District.
(Crime No. 1315 of 2021).

... Respondent/Complainant

S.Bhuvana

... Petitioner/Intervenor/Defacto Complainant

For Petitioner : M/s.Sulthanbasha.J,
Advocate.

For Respondent : Mr.R.Sivakumar,
Government Advocate (Crl.Side)

For Intervenor : Mr.K.S.Kathiravan, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.1315 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 448, 294(b), 427 and 506(ii) IPC in Crime No.1315 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the property in dispute was originally belonging to one Rabi, the father of the petitioner, that the de-facto complainant had entered into rental agreement with the said Rabi, that after the death of the said Rabi, the complainant had entered into an agreement with the present petitioner, that the complainant has been running a computer centre in the property in dispute, that on 08.10.2021, the petitioner had disconnected the electricity connections, that when the same was



questioned by the de-facto complainant, he was abused with filthy language and threatened with dire consequences, that the de-facto complainant has then filed a suit in O.S.No.547 of 2021 and got an interim injunction against the petitioner, that on 25.10.2021, when the de-facto complainant and her husband went to their computer centre, they found that their shop was already broken and the articles were damaged and thereby, caused loss to the tune of Rs.6,35,000/- to the de-facto complainant. Hence, the complaint.

3.The case of the petitioner is that he has not committed any offence as alleged by the prosecution, that the de-facto complainant is the earlier tenant of the petitioner's property, that the de-facto complainant has failed to pay the rent regularly and in the year 2015, the tenancy agreement got lapsed, that after repeated request made by the petitioner, the de-facto complainant vacated the property, that the said property was thereafter, leased to one Shaburun Jamila in the year 2019, that she has also failed to perform obligations as per tenancy agreement, that when the petitioner had requested the new tenant to vacate the premises, she filed a suit in O.S.No.661 of 2021 and the same is pending before the District Munsif Court, Tiruchirapalli, that thereafter, the de-facto complainant has filed the suit with malafide intention for the same set of relief in respect of the same property and she got an interim order in her favour, that the petitioner has not damaged the de-facto complainant's property at any point of time and that the above complaint has been filed only to harass the petitioner.

4.The learned Government Advocate (Crl. side) appearing for the respondent would submit that there arose a tenancy dispute between the parties and the petitioner damaged the properties of the de-facto complainant worth about Rs.6,35,000/- and the petitioner is absconding. He would further submit that the petitioner's earlier petition in Crl.O.P.(MD)No.17402 of 2021 was dismissed by this Court dated 08.12.2021 and that the investigation is pending. Hence, he strongly opposes for granting anticipatory bail to the petitioner.

5.The learned counsel for the intervenor would submit that the new tenant is in possession of the shop since 25.06.2021 and the petitioner has not offered any reason or explanation as to why the Electricity Board has issued notice dated 01.04.2021 and further the petitioner damaged the properties of the de-facto complainant worth about Rs.6,35,000/-.

6.It is not in dispute that the petitioner has himself specifically admitted that the de-facto complainant was a tenant in respect of the property in question. It is the case of the prosecution that the de-facto complainant after committing default in payment of rent had vacated the shop premises in the year 2015 as the tenancy has got lapsed, that the petitioner has then occupied the said property for his own purpose and that thereafter, the said

de-facto c
property a

8. During the pendency of the above petition, they have filed

9. In the complaint, the de-facto complainant has alleged that

<https://nces.gov/ipeds/data/ipedsreports/2015/ipeds2015.html>



10. In the additional typed set filed by the petitioner, they have produced EB notice for termination of agreement dated 01.04.2021 and whereunder, as rightly pointed out by the learned Government Advocate (Crl. Side), the electricity connection standing in the name of Muthavalli Sydany Beedargha is under disconnection on and from 23.12.2020 for more than three months and a sum of Rs.707/- was due payable by them as on the date of disconnection and further directed them to settle the dues to avoid further action.

11. The learned counsel for the intervenor would submit that though the petitioner has stated that the de-facto complainant had vacated the shop premises in the year 2020 itself and new tenant was inducted on 25.06.2021, have not offered any explanation as to why electricity service connection was disconnected from 23.12.2020 and they have also not offered any reason or explanation as to why the electricity board has issued a notice, dated 01.04.2021. Moreover, the petitioner's earlier application was dismissed on 08.12.2021 and the petitioner has not shown any change in circumstances, since the dismissal of the earlier petition.

12. Considering the above facts and circumstances and also the seriousness and gravity of the charges levelled against the petitioner and also taking note of the quantum of damages allegedly caused to the de-facto complainant, that investigation is still pending as stated by the learned Government Advocate (Crl. Side) and that there is no change in circumstances, since the dismissal of the earlier petition, this Court is not inclined to grant anticipatory bail to the petitioner.

13. In the result, this Criminal Original Petition is dismissed.
sd/-

21/03/2022

/ TRUE COPY /

/ /2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

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
FORT POLICE STATION, TRICHY CITY,
TRICHY DISTRICT

2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.3801 of 2022

Date :21/03/2022

SS/SBN/SAR:III/28.03.2022 : 5P/3C