



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06.04.2022

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) No.4863 of 2022

1. Muthu
2. Durkeshwaran ... Petitioners/Accused No.1 & 5

Vs

State rep.by
The Sub Inspector of Police,
District Crime Branch,
Madurai District.
(Crime No.4/2021). ... Respondent/Complainant

For Petitioners : M/s.S.Balaji, Advocate

For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

For Intervenor : Mr.R.Gandhi, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.4 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 120B, 420, 465, 466, 467, 468, 471, 294(b) and 506(2) in Crime No.4 of 2021, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant is in possession and enjoyment of the ancestral property. The first petitioner asked pathway towards the east side and the same was objected to by the defacto complainant. Therefore, the first petitioner hand in glove with other accused fabricated the documents and threatened the defacto complainant to vacate the land belonging to him. Hence, the complaint.



3. The learned counsel for the petitioners submits that the petitioners are innocent persons and they are falsely implicated in this case.

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4. Heard the learned Additional Public Prosecutor appearing for the respondent police.

5. It appears that this is the third application for anticipatory bail. The earlier anticipatory bail petitions filed by the petitioners were dismissed on the ground that custodial interrogation is necessary in this case to find out, who are all responsible for the commission of offence. Now, this application is filed by the petitioners without referring to the change of circumstances to consider the case.

6. Though this Court during the last hearing, directed the petitioners to produce the documents to substantiate their right over the pathway as claimed by them, they have not produced any such documents before this Court so far.

7. Since there is no change of circumstance and considering the antecedents of the petitioners, and in the absence of any materials in support of the petitioners, this Court is not inclined to entertain this Criminal Original Petition and the same is accordingly dismissed.

Sd/-
06/04/2022

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/ /2022
Sub-Assistant Registrar (C.S.IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

dsk.

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 SUB INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH (DCB),
MADURAI.

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

+1. CC to M/S.BALAJI.S Advocate SR.No.2993

+1. CC to M/S.R.GANDHI, Advocate SR No.17068

ORDER

IN

CRL OP (MD) No.4863 of 2022

Date :06/04/2022

SP/PN/SAR IV/18/04/2022/3P/5C