



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/06/2022

WEB COPY

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP (MD) No.9865 of 2022

Velchamy

... Petitioner/Accused No.1

Vs

State rep.by
The Inspector of Police,
Virudhunagar East Police Station,
Virudhunagar District.
(Crime No.70/2022).

... Respondent/Complainant

For Petitioner : M/s.Mariappan.G, Advocate.

For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl.Side)

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

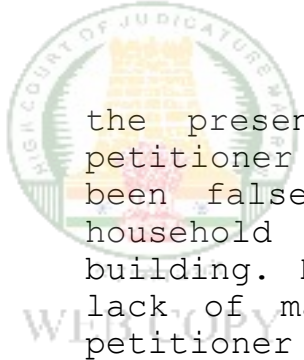
PRAYER :-

For Anticipatory bail in Crime No.70/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 379 IPC., in Crime No.70 of 2022, seeks anticipatory bail.

2. On the side of the petitioner, it is stated by the learned counsel for the petitioner that due to the civil dispute arose between the petitioner and the defacto complainant, the present complaint has been lodged. He further stated that already there is a civil suit pending regarding the ownership of the building in question. The owner of the building is claiming that the documents regarding the sale of the property were forged by the defacto complainant. Even prior to the present complaint, the petitioner himself has lodged another complaint against the defacto complainant for damaging the property. After the said complaint, the defacto complainant took away all his articles and migrated to Kerala State, which is his native. The damage was much earlier than the date of



the present complaint and the earlier complaint filed by the petitioner was closed on 23.03.2021. Thereafter, the petitioner has been falsely implicated in this case as if he had stolen the household properties worth about Rs.1,00,000/- and damaged the building. He further submitted that due to lapse of two years and lack of maintenance, the building got damaged severely and the petitioner is an innocent person and he has been in no way connected with the present complaint. Hence, he prays to release the petitioner on anticipatory bail.

3. In the complaint, it was stated that the defacto complainant is claiming that he was a tenant in the property in question and subsequently, he purchased the said property from the owner of the building. The defacto complainant went to his native on 17.03.2022 and when he returned back, he found that the house was damaged and household properties worth about Rs.1,00,000/- was missing. Hence, the present compliant.

4. On the side of the prosecution, it is stated that there is a civil suit pending regarding the ownership of the property in question and a criminal case was lodged by the defacto complainant regarding theft of household articles and for demolition of the building.

5. On perusal of the complaint, it is seen that already there is a civil dispute pending regarding the ownership of the building and in this regard, there was an earlier complaint lodged against the defacto complainant by the petitioner. Considering the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate No.II, Virudhunagar, on condition that the petitioner 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 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 is made ready, failing which, the petition for anticipatory bail stands dismissed.

Sd/-
02/06/2022

/ TRUE COPY /

/ /2022

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



TO

1. THE JUDICIAL MAGISTRATE NO.II,
VIRUDHUNAGAR.

2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3. THE INSPECTOR OF POLICE,
VIRUDHUNAGAR EAST POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1. CC to M/S. MARIAPPAN.G Advocate SR.No.5168

ORDER

IN

CRL OP (MD) No.9865 of 2022

Date :02/06/2022

SP/JM/SAR II/06/06/2022/3P/6C