



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )  
Date : 24/11/2022

PRESENT

**The Hon`ble Mr.Justice A.A.NAKKIRAN**  
CRL OP(MD). No.11572 of 2022

WEB COPY

1. Dhanasekaran

2. Muthu Saravanan

... Petitioners/Accused No.1&2

Vs

1.The State rep.by,  
The Inspector of Police,  
Thisaiyanvilai Police Station,  
Tirunelveli District.  
Crime.No.137/2022.

... Respondent/Complainant

2.M.Joy Prisceillal

...Petitioner/Proposed 2<sup>nd</sup> Respondent/  
De facto Complainant

For Petitioner : M/s.Laxmi Mahendraa M,  
Advocate.

For Respondent : Mr.M.Muthumanikkam,  
Government Advocate (Crl.Side)

For Intervenor : Mr.NA.Palaniyandi,  
Advocate.

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

PRAYER :-

For Anticipatory Bail in Crime No.137 of 2022 on the file of  
the Respondent police.

ORDER : The Court made the following order :

The petitioners/A1 & A2, who apprehend arrest at the hands of  
the respondent police for the offences punishable under Sections 294  
(b) and 506(i) IPC r/w Section 4 of Tamil Nadu Prohibition of  
Harassment of Women Act, 2002 and Section 4 of Tamil Nadu  
Prohibition of Charging Exorbitant Interest Act, 2003, in Crime  
No.137 of 2022, seek anticipatory bail.

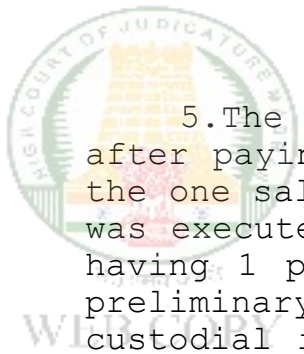
2.The case of the prosecution is that the petitioners are the  
father and son. The husband of the defacto complainant borrowed a  
sum of Rs.22 lakh from the first petitioner in the year 2016 for his  
business development. At that time, the first petitioner had  
obtained the Federal Bank cheque filled with sum of Rs.10 lakh &  
Rs.12 lakh and also obtained a sale deed in his favour in respect of  
S.F.Nos.92/7A and 92/9. In the year 2016 itself, her husband has  
paid the entire loan amount with interest i.e., Rs.55 lakh. Despite,  
her husband paid the amount of Rs.55 lakh instead of Rs.22 lakh, the



first petitioner further demanded a sum of Rs.18 lakh as . In such circumstances, on 02.06.2022, when the defacto complainant along with her 3 daughters in their house, the petitioners along with their henchmen said to have entered into the house of the defacto complainant and abused them in filthy language and threatened them with dire consequences and also demanded them to vacate the premises. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. He would further submit that the first petitioner and the defacto complainant's father-in-law namely, Selvaraj are doing real estate business and running the stores. The said selvaraj and the husband of the defacto complainant had sold their own properties comprised in S.F.No.s92/9 and 92/7A at Appuvilai Village, Thisiyanvilai Taluk and executed sale deeds in favour of the first petitioner for valid consideration. In order to resale the property comprised in S.F.No.92/7A, the first petitioner executed a power deed in favour of said Selvaraj. The said Selvaraj sold the property on behalf of the first petitioner and executed the sale deed in favour of his son, who is the husband of the defacto complainant. The rest of the property comprised in S.F.No.92/9 also stands in the name of the first petitioner and he is in the peaceful possession and enjoyment of the property. Now, the petitioners are taking step to sale the property comprised in S.F.No.92/9. Therefore, the husband and the father-in-law of the defacto complainant made a trouble in the sale process and lodged this false complaint against the petitioners. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned counsel for the Intervenor would submit that in the year 2016, the petitioner borrowed a sum of Rs.22 lakh from the first petitioner. At that time, the first petitioner compelled the defacto complainant's husband to execute a sale deeds in favour of him and the same was also executed and he received unfilled 2 cheques for a sum of Rs.10 lakh & Rs.12 lakh. In the year 2016, the defacto complainant's husband repaid a sum of Rs.15 lakh. Further, the petitioners collected the chit amount of Rs.3,36,338/- from the defacto complainant and her husband till 24.08.2019. Thereafter, they settled the entire loan amount. But, the petitioners did not return the sale deed and the unfilled 2 cheques leaves and the amount of Rs.3,36,338/-. In such circumstances, on 02.06.2022, when the defacto complainant along with her 3 daughters in their house, the petitioners along with their henchmen said to have entered into the house of the defacto complainant and abused them in filthy language and threatened them with dire consequences and also demanded them to vacate the premises. Hence, he opposed to grant anticipatory bail to the petitioners.



5.The learned Government Advocate (Crl.Side) would suk at after paying the entire loan amount, the first petitioner cancelled the one sale deed and refused to cancel the another sale deed, which was executed at the time of borrowing loan. The first petitioner is having 1 previous case similar in nature. The investigation is in preliminary stage and huge amount is involved in this case, the custodial interrogation of the petitioners are necessary. Hence, he strongly opposed to grant anticipatory bail to the petitioners.

6.Considering the facts and circumstances of the case and also considering the facts that the amount involved in this case and the the investigation is in preliminary stage, this Court is not inclined to grant anticipatory bail to the petitioners.

7.Accordingly, this Criminal Original Petition is dismissed.

sd/-

24/11/2022

/ TRUE COPY /

/12/2022

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

DSS

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,  
THISAIYANVILAI POLICE STATION,  
TIRUNELVELI DISTRICT.

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

+1 CC to M/s.M.LAXMI MAHENDRAA, Advocate ( SR-13792[I] dated 25/11/2022 )

+1 CC to M/S.NA.PALANIYANDI, Advocate sr-13705

ORDER IN

CRL OP(MD) No.11572 of 2022

Date :24/11/2022

RK/SSS/SAR-2 (07/12/2022) 3P/5C

<https://www.mhc.tn.gov.in/judis>