



WEB COPY



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/11/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP (MD) . No.14531 of 2022

1. Kalishwari @ Kaleeswari
2. Sowdhirapandian @ Soundarapandian ... Petitioners/Accused
Nos.1 & 2

Vs

State rep.by
The Inspector of Police,
Vachakarapatti Police Station,
Virudhunagar District.
(Crime No.335 of 2018). ... Respondent/Complainant

Desingu Rajan ... Petitioner/Defacto
Complainant
(in Crl.M.P. (MD) No.10000/2022)

For Petitioners : M/s.Anantha Murugan S.M., Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

For Intervener : Mr.T.R.Jeyapalam, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.335 of 2018 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 471
and 420 IPC, in Crime No.335 of 2018, seek anticipatory bail.



2. The case of the prosecution is that the defacto complainant purchased lands from the petitioners. Thereafter, he is cultivating in the land and possession and enjoyment are in his hand. While so, one Sankar came to the defacto complainant's place and stated that he is the owner of the property and patta stands in his name and requested the defacto complainant to verify the same. Hence, the defacto complainant gave the complaint against the petitioners.

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 second petitioner died. Hence, he seeks permission to withdraw this petition in respect of the second petitioner is concerned and he seeks anticipatory bail to the first petitioner alone.

4. The learned Govt. Advocate (criminal side) would submit that there is specific allegation as against the petitioners and in this case, investigation is pending. Hence, he strongly opposed to grant anticipatory bail.

5. Considering the facts and circumstances of the case and also considering the gravity of the offence and also considering the fact that the investigation is pending, this Court is not inclined to grant anticipatory bail to the first petitioner at this point of time.

6. Accordingly, this petition is dismissed in respect of the first petitioner is concerned.

7. In view of the endorsement made by the learned counsel appearing for the petitioner, this petition is dismissed as withdrawn in respect of the second petitioner is concerned.

Sd/-
17/11/2022

/ TRUE COPY /

/12/2022

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

SKN

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.

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



1. THE INSPECTOR OF POLICE,
VACHAKARAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.T.R.JEYAPALAM, Advocate (SR-13286[I]

ORDER
IN
CRL OP (MD) No.14531 of 2022
Date :17/11/2022

SP/VR/SAR II/22/12/2022/3P/4C