



WEB COPY



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22.06.2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD)No.11128 of 2023

M.Muthuvelpandi

... Petitioner/Accused No.2

Vs

State rep by
The Inspector of Police,
Anna Nagar Police Station,
Madurai City, Madurai
(Crime No.268 of 2023)

... Respondent/Complainant

For Petitioner : Mr.S.Sukumar, Advocate

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.268 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 420 IPC in Crime No.268 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is a tenant of the premises belongs to the petitioner and his brother. They entered into a lease agreement with the defacto complainant and leased out the house. After possession, the defacto complainant was disturbed by the finance institution to vacate the premises. Thereafter, he came to know that the house was pledged with the finance company. Hence, the defacto complainant approached the petitioner's brother and demanded the lease amount. However, they did not return the same and threatened him with dire consequences. Hence, the case.



3. Heard both sides and perused the materials available in the record.

4. It is seen that the petitioner and his brother owned four house properties, which were pledged and borrowed loan. However, they failed to settle the loan amount and as such, the property was attached under SARFAESI proceedings. Suppressing the said fact, both accused persons entered into lease agreement with the defacto complainant and other victims. Now the properties were not handed over to the lease right holder and the same were under attachment of SARFAESI proceedings. Therefore, custodial interrogation of the petitioner is very much required in this case. Hence, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this criminal original petition is dismissed.

sd/-

22/06/2023

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/07/2023

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

GNS

TO

- 1 THE INSPECTOR OF POLICE
ANNA NAGAR POLICE STATION,
MADURAI CITY,
MADURAI.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.11128 of 2023

Date :22/06/2023

SS/MMS/14/07/2023/2P/3C