



Crl.OP(MD)No.12134 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 17/07/2023

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl.OP(MD)No.12134 of 2023

1.Thomas Rozario Prasad @ Prasanth

2.D.Justin Diraviam @ Jestin

3.V.Pravin Adaikalaraj @ Praveen

... Petitioners/ Accused Nos 1 to 3

Vs.

State represented by
Inspector of Police,
Fort Police Station,
Tiruchirappalli District.
(In Crime No.1206 of 2023)

...Respondent/ Complainant

Anbuselvan

...Intervene Petitioner/ Defacto Complainant
in Crl MP(MD)No. 9986 of 2023

For Petitioners : Mr.T.A.Punithan,Advocate

For Respondent : Mr.S.Manikandan
Government Advocate (Criminal side)

For Intervenor : Mr.N.Anandakumar,Advocate
in Crl MP(MD)No. 9986 of 2023

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

PRAYER:- For Anticipatory Bail in Crime No.1206 of 2023 on the file of the
Respondent Police.

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



Crl.OP(MD)No.12134 of 2023

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ORDER: The Court made the following order:-

The petitioners/A1 to A3, who apprehend arrest at the hands of the respondent police for the offences punishable under sections 294(b), 324, 427 and 506(2) IPC, in Crime No.1206 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is a practising Advocate and is having office in Door No.395, Big Baazar Street, Trichy. He become a tenant under the original owners namely Sivakumar and Jayakumar through his Power Agent Baskaran, on 27/05/2023. It consists of two staircase building. The month rent was fixed at Rs.15,000/-. On 21/06/2023 at about 10.00 pm, he found the articles damaged and other documents found missing. His name Board was also found damaged. On enquiry, it was found that these petitioners are involved in the above said occurrence. When he enquired, he was assaulted, abused in filthy language and criminally intimidated. On the basis of the above said occurrence, a case in Crime No.1206 of 2023 was registered for the offences punishable under sections 294(b), 324, 427 and 506(ii) IPC.

3.Seeking anticipatory bail, this petition has been filed. The intervenor is also present and he was also heard.

4.It is the case of the petitioners that the property originally stood in the name



Crl.OP(MD)No.12134 of 2023

WEB COPY

of a Srilankan citizen, who purchased the same in 1981 without prior permission from the Reserve Bank of India. So, he was imposed with penalty. Originally, the property was purchased by one Sambasivam Pillai in 1981 and he died in 1999. After his death, his son claims the property through Will. From 1951 onwards, his father was conducting the business and after that, the petitioners continuing the above said business. Their entire property was in their custody. The de-facto complainant sent a notice stating that he was appointed as Power of Attorney by foreign nation. On 21/06/2023, he trespassed into the building by braking open the lock and occupied the same.

5.The learned counsel appearing for the intervenor/de-facto complainant would submit that he was appointed as power of attorney holder and become a tenant and these petitioners only attempted to evict him unlawfully. He has also produced several documents entered into between them.

6.From the above said allegation and counter allegation, it is seen that over a possession of the property now under dispute. Who is the owner of the property and who was in possession before the date of issue, are all matters for consideration by the Investigating Officer.

7.Since the issue involved the title and possession, I am of the considered view that anticipatory bail may be granted to the petitioners with certain conditions. Even



Crl.OP(MD)No.12134 of 2023

though, the worth of the damage is mentioned as Rs.5,000/- and a cash amount of Rs.5,000/- was taken by the petitioners and causing extensive damage, the petitioner shall deposit a sum of Rs.50,000/- to the credit of the crime No.1206 of 2023 before the trial court.

8.In view of the above, this court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.1, Tiruchirappalli and on each of them executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate concerned and on further condition that the petitioners shall deposit a sum of Rs.50,000/- (Rupees Fifty thousand only) to the credit of Crime No.1206 of 2023 before the Judicial Magistrate No.1, Tiruchirappalli and on further condition that the petitioners shall appear before the respondent police daily at 10.00 a.m. until further orders. The petitioners shall comply with the condition stipulated under [Section 438](#) Cr.P.C. scrupulously.

sd/-
17/07/2023

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/07/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



Crl.OP(MD)No.12134 of 2023

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TO
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- 1 THE JUDICIAL MAGISTRATE NO.I
TRICHIRAPPALLI
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE
FORT POLICE STATION
TIRUCHIRAPPALLI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.T.A.PUNITHAN, Advocate (SR-10886[I] dated 18/07/2023)

ORDER
IN

CRL OP(MD) No.12134 of 2023

Date :17/07/2023

PKP/DD/SAR- /25.07.2023/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified
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