



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Monday, the Fifth day of October Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.17017 of 2015

1 M.XAVIER

2 M.SRIL NAYAGAM

..PETITIONERS/ACCUSED 1 & 2

Vs.

STATE REP.BY THE INSPECTOR OF POLICE

SUCHINDRUM POLICE STATION,

KANYAKUMARI DISTRICT.

(CRIME NO 600 OF 2015)

..RESPONDENT/COMPLAINANT

For Petitioner : M/S SUBBIAH, Advocate

For Respondent : M/s.S.PRABHA, Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as A1 and A2 apprehend arrest at the hands of the respondent police for the alleged offences punishable under sections 341, 294(b), 323, 353 and 225 of IPC, in Crime No.600 of 2015 on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that on 12.08.2015, the de-facto complainant Yogeswaran gone to the house of the accused to execute the warrant issued in E.P.No.70 of 2013 in the Arbitration Proceedings No.2780 of 2008 and at that time, the accused have abused the de-facto complainant with filthy language and slapped on his chin and chased him away from the place of occurrence.

3.Mr.Subbiah, learned counsel for the petitioner submitted that the accused have availed loan from the Cholamandalam Investment and Finance company in the year 2006 and they were paying the dues regularly. Despite the same, the said financial company initiated Arbitration Proceedings against the accused and passed award and on 17.08.2015, when the 2nd petitioner's wife was alone in the house, the de-facto complainant claiming himself to be a bailiff from the court came to the house to arrest the 2nd petitioner along with five goons. The learned counsel further submitted that since, the 2nd petitioner was not in his residence, his wife intimated the same and in the meanwhile the de-facto complainant started quarrelling with the wife of the second petitioner and threatened her with dire consequences and she was also assaulted by the de-facto complainant. At that time, A1 who is the brother of the 2nd petitioner, intervened to help her sister-in-law and therefore, they have been falsely implicated in this case.

4.Per contra, the learned Government Advocate (Criminal side) vehemently opposed the anticipatory bail petition contending that the accused have assaulted the court staff and also abused him in filthy language, when he had been to the house of the accused for execution of the warrant. <https://hcservices.courts.gov.in/hcservices/> is further submitted that if the accused are granted anticipatory bail, it will cause serious repercussions in rendering the justice delivery system.



5.I have perused the FIR filed against the accused, in which the de-facto complainant has narrated the happenings on 12.08.2015.

6.Since, the accused have committed grave offence, this court is of the opinion that the petitioners are not entitled for anticipatory bail. Hence, this petition is dismissed.

sd/-
05/10/2015

WEB COPY

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE INSPECTOR OF POLICE, SUCHINDRUM POLICE STATION,
KANYAKUMARI DISTRICT.

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

+1. CC to M/S G.ARAVINTHAN Advocate SR.No.58525

ORDER IN
CRL OP(MD) No.17017 of 2015
Date :05/10/2015

PBK/NGS-SS/SAR-I 06/10/2015 ::2P-4C::