



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Friday, the Eleventh day of December Two Thousand Fifteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.21463 of 2015

1 M. XAVIER

2 M. SRI NAYAGAM

... PETITIONER(S) / ACCUSED 1 & 2

Vs

THE STATE REP.BY THE INSPECTOR OF POLICE
SUCHINDRAM POLICE STATION,
KANYAKUMARI DISTRICT.
(CRIME NO. 600 OF 2015)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S G.ARAVINTHAN Advocate

For Respondent : M/S.K.Anbarasan Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

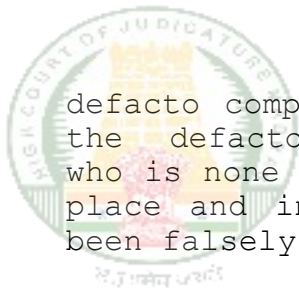
The petitioners, who are arrayed as accused Nos.1 & 2, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 341, 294(b), 323, 353 and 225 of IPC, in Crime No.600 of 2015 on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that on 12.08.2015, when the defacto complainant went to the second petitioner's house to execute the warrant of arrest issued in Arbitration Proceedings in Ar.B.2780 of 2008, he was assaulted by the petitioners and prevented him from discharging his official duty and accused persons abused him in filthy language and beaten him and also chased him from the place.

3.The case of the petitioners is that the second petitioner availed a loan from the Cholamandalam Investment and Finance Company Limited in the year 2006. He could not pay instalments and therefore, he returned the vehicle to the Finance Company. The said finance Company sold the vehicle for a lesser price and initiated Arbitration proceedings and passed award. A warrant was issued on 17.08.2015 to execute the Award. When the second petitioner's wife was alone at his house, the defacto complainant claiming himself as Bailiff from the Court, came to the house of the petitioners along with five goons.

<https://hcservices.ecourts.gov.in/hcservices/>

4.The learned counsel for the petitioners further submitted that the second petitioner was not in the house, his wife informed the same to the



defacto complainant. The defacto complainant searched and quarrelled with the defacto complainant. On hearing her screaming, the first petitioner, who is none other than the brother of the second petitioner, rushed to the place and intervened and helped his sister-in-law, therefore, they have been falsely implicated in this case.

5.The learned Government Advocate(Crl.side) submitted that when the defacto complainant went to execute the warrant of arrest issued in the Arbitration proceedings, the petitioners have assaulted the Court staff and abused him with filthy language. This Court by the order dated 05.10.2015 dismissed the anticipatory bail application filed by the petitioner.

6.In view of the serious allegations made against the petitioners and there is no changed circumstances, I am not inclined to grant anticipatory bail to the petitioners. Hence, this petition is dismissed.

sd/-
11/12/2015

/ TRUE COPY /

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

TO

- 1 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 2 THE INSPECTOR OF POLICE, SUCHINDRAM POLICE STATION,
KANYAKUMARI DISTRICT.

+1. CC to M/S G.ARAVINTHAN Advocate SR.No. 71322.

TS/14.12.2015/2P-4C/JGB-DP/SAR - II

ORDER
IN
CRL OP(MD) No.21463 of 2015
Date :11/12/2015