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

Tuesday, the Tenth day of March Two Thousand Fifteen
PRESENT

The Hon`ble Mr.Justice P.N.PRAKASH

CRL OP(MD) No.3094 of 2015

1 RAJESH

2 RAJAN

3 PRABUDAS

... PETITIONERS/ACCUSED No.1,2 AND 3

Vs

STATE REP.BY

THE INSPECTOR OF POLICE

THIRUVATTAR POLICE STATION,

THIRUVATTAR, KANYAKUMARI DISTRICT.

(CR.NO.93 OF 2015)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.C.K.M.APPAJI Advocate

For Respondent : MR.P.KANDASAMY, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 446, 427 and 506(i) IPC r/w Section 4 of Women Harassment Act, in Crime No.93 of 2015 on the file of the respondent police, seek anticipatory bail.

2. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) appearing for the State.

3. The defacto complainant in this case is a lady with her children and when her husband was away, these petitioners barged into her house around 11 in the night on 13.02.2015 and misbehaved with her by pulling her nightie. She pushed them and ran out of the house and made a hue and cry. This attracted the attention of the people in the neighbourhood and the petitioners ran away.

4. Mr.C.K.M.Appaji, learned counsel for the petitioners submitted that the petitioners are innocent and it was the defacto complainant's husband, who had assaulted Rajesh / 1st petitioner herein and in order to cover up that case, the present case has been foisted by the defacto complainant. In support of his contention, learned counsel for the petitioners produced a copy of wound certificate, which shows that Rajesh / 1st petitioner got himself admitted in the Government Hospital, Padmanapuram at 11:10p.m. on 13.02.2015. He has stated to the Doctor that he was assaulted by a known person with tube light and hit him on the leg. The Doctor has observed some abrasions and also noticed that he absconded from the hospital on 14.02.2015 at 07:10 p.m. before completion of the treatment.



5. Therefore, in the considered opinion of this Court, it is clear that after assaulting the defacto complainant at 11:00 in the night, the 1st petitioner, in order to cover up that case, has got himself admitted in the hospital complaining that he sustained some injuries on the leg.

6. Taking into consideration the gravity of the allegations and the manner in which the petitioners have misbehaved with the lady, this is not a fit case to grant anticipatory bail to these petitioners. Hence, the Criminal Original Petition is dismissed.

sd/-

10/03/2015

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

TO

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

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

+1. CC to M/S.C.K.M.APPAJI Advocate SR.No.11309

ORDER

IN

CRL OP(MD) No.3094 of 2015

Date :10/03/2015

PA/10.03.2015/2P/4C