



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

Monday, the Eighteenth day of September Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.12034 of 2017

WEB COPY

TAMILARASAN

... PETITIONER/A-1

Vs

THE INSPECTOR OF POLICE,
SWAMINATHAPURAM POLICE STATION,
DINDIGUL,
CR NO. 145/2017.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.POORNA CHANDRAN, Advocate

For Respondent : MR.A.RAMAR, Additional Public Prosecutor

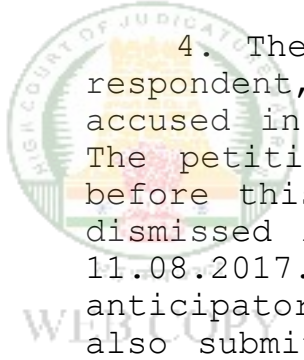
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 354 of IPC., and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.145 of 2017, seeks anticipatory bail.

2. The prosecution case is that the petitioner herein said to have knocked the door, during night hours ie., at about 10.00 p.m., and demanded loan amount borrowed by the defacto complainant and outraged modesty of the defacto complainant in this case and the petitioner also pulled the saree of the defacto complainant and the second petitioner assist the first petitioner in committing the said offence.

3. The learned counsel appearing for the petitioner states that the petitioner is an innocent and he has not committed any offence, as alleged by the prosecution. He also submitted that the occurrence took place on 27.07.2017 and the complaint was lodged on 28.07.2017 and it was taken on file in CSR.No.107 of 2017 for enquiry and after completing the investigation, the case was registered against the petitioner and other accused. The petitioner was arrested on 07.08.2017 and brought before the concerned Judicial Magistrate, who has not remanded the petitioner because the complaint was made after a period of 13 days of the occurrence.



4. The learned Additional Public Prosecutor appearing for the respondent, on instructions, would submit that there are totally 2 accused in this case and the petitioner herein is arrayed as A1. The petitioner along with A2 moved anticipatory bail application before this Court in Crl.O.P(MD)No.10591 of 2017 and the same was dismissed in respect of the petitioner herein, as per order dated 11.08.2017. The petitioner filed this application seeking anticipatory bail, as a second time, on the same set of facts. He also submitted that CSR enquiry is stated in the FIR itself, but failed to mention in the remand report and the investigation is still pending.

5. Considering the above facts and circumstances of the case and also considering the fact that the complaint was received next day of the occurrence and is pending as CSR stage and after completion of the investigation, the case was registered against the petitioner and also the conduct of the petitioner in the occurrence date, this Court is not inclined to grant anticipatory bail to the petitioner, at this stage. Hence, this Criminal Original Petition stands dismissed.

sd/-
18/09/2017

/ TRUE COPY /

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

TO

- 1 THE INSPECTOR OF POLICE,
SWAMINATHAPURAM POLICE STATION,
DINDIGUL,
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.12034 of 2017
Date :18/09/2017

PK/CM-MSA/SAR-1/21.09.2017 : 2P/3C