



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.12144 of 2017

RAJENDRAN

... PETITIONER / ACCUSED NO.1

Vs

THE STATE REP.BY

THE INSPECTOR OF POLICE

MASARPATTI POLICE STATION, THOOTHUKUDI DISTRICT.

CRIME NO.66 OF 2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.A.JAYARAMACHANDRAN Advocate

For Respondent : Mr.A.Ramar, Additional Public Prosecutor

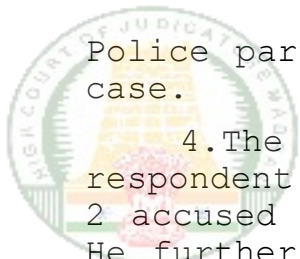
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 294(b), 332, 307, 506(ii) of IPC in Crime No.66 of 2017 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that NBW was pending against A1 & A2 in Crime Nos.84 of 2010 and 89 of 2013 before the respondent Police. When the de facto complainant along with one Constable went to the petitioner's house for execution of warrant, the petitioner is said to have abused the Police Officials with filthy language and pushed down the Constable and placed his leg on the neck of the said Constable and thereafter, this petitioner's brother A2 is said to have assaulted the said Constable with crowbar and caused injury.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that petitioner and his brother A2 were implicated in a false case in Crime No.84 of 2010 pending on the file of the respondent, while so, the petitioner's brother suffered acute mental depression which resulted in cannabis disease (psychotic disorder) for which he is undergoing treatment at Thoothukudi Medical College Hospital. He also submitted that the Police party attached to the respondent Police Station came to the house of the and tried to nab his brother Maripandi to execute the NBW and due to disturb mental health, the petitioner's brother reacted in an adverse manner and thereafter, the respondent Police concocted a story as if the petitioner and his brother assaulted the



Police party and issued life threat and registered the above false case.

4.The learned Additional Public Prosecutor appearing for the respondent Police on instruction would submit that totally there are 2 accused in this case and the petitioner herein is arrayed as A1. He further submitted that A1 & A2 are brothers and A2 was arrested and now he is in custody. He also submitted that the injured has been discharged from the hospital and the investigation is still pending.

5.Considering the facts and circumstances of the case and also taking note of the fact that the injured, who was assaulted by the A2 with crowbar and the conduct of the petitioner in the occurrence, placing his leg on the neck of the Constable, I am not inclined to grant anticipatory bail to the petitioner at this stage. Accordingly, this petition is 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
MASARPATTI POLICE STATION, THOOTHUKUDI DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

ORDER

IN

CRL OP(MD) No.12144 of 2017

Date :18/09/2017

SM:PM-PN:SAR I;28.9.2017:2P/3C