



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

Wednesday, the Twenty Second day of March Two Thousand Seventeen

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CRL OP (MD) No.3289 of 2017

1 M.ARUNKUMAR
2 M.ANANDHA KUMAR
3 N.MURUGAN

... PETITIONERS/ ACCUSED 1 to 3

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
THEPPAKULAM POLICE STATION,
MADURAI-9,
CRIME NO. NOT KNOWN OF 2017

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.S.MUTHUKUMAR Advocate

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

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 offence punishable under Sections 406 and 420 of I.P.C in Crime No.Not Known of 2017 on the file of the respondent police, seeks anticipatory bail.

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

3.The learned Government Advocate (Crl. Side) on instructions would submit that no F.I.R is registered and no F.I.R is pending against the petitioner, but the petition enquiry alone is pending in CSR No.197 of 2017 and the alleged threat of arrest is not true, at this stage.

4. However, the learned counsel appearing for the petitioner submitted that already they have given a complaint in the year 2016 and CSR No.637 of 2016 was given on 18.10.2016. The case of the petitioner is that till today, the respondent was not taken any steps to enquire into the complaint and now, in the complaint given by the defacto complainant in CSR No.197 of 2017, the police had taken steps and called him for enquiry without considering his



complaint, which was given as early as in the year 2016. The grievance of the petitioner is that only to support the defacto complainant and to protect him from the previous complaint, the respondent police issued summons to him.

5. In view of the same, this Court is not inclined to grant anticipatory bail to the petitioner at this stage. Hence, this Criminal Original Petition is disposed of with an observation that the respondent police should not harass the petitioner during the enquiry. The respondent police is directed to make an enquiry into both the complaints lodged by the petitioner and the defacto complainant and proceed with the enquiry. The respondent police is also directed to either register a case or close the enquiry, as expeditiously as possible. The petitioner and the defacto complainant are directed to co-operate with the enquiry.

sd/-
22/03/2017

/ TRUE COPY /

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

TO

1.THE INSPECTOR OF POLICE
THEPPAKULAM POLICE STATION,
MADURAI-9.

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

+1. CC to M/S.S.MUTHUKUMAR Advocate SR.No.17156

ORDER
IN
CRL OP(MD) No.3289 of 2017
Date :22/03/2017

MS/CM.MSA/SAR.2/27.03.2017/2P.4C