



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

Wednesday, the Seventeenth day of January Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.174 of 2018

M.PERIYASAMY

... PETITIONER/ACCUSED

Vs

STATE THROUGH
THE SUB-INSPECTOR OF POLICE
DEVADHANAPATTI POLICE STATION,
THENI DISTRICT
(CRIME NO.561 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.R.VENKATESAN Advocate

For Respondent : MR.A.ROBINSON, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as Accused No.1, apprehends arrest at the hands of the respondent police for the offence punishable under Sections 294(b), 354, 506(ii) of I.P.C. & Section 4 of TNPWH Act, 2002 in Crime No.561 of 2017, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 02.12.2017, at the time of bursting crackers, there was a wordy quarrel arose between the petitioner and the defacto complainant due to which, the petitioner and other accused persons abused the defacto complainant using filthy language and threatened her with dire consequences and committed the above said offence. Thereafter she made a complaint to the respondent on 05.12.2017. Based on the complaint, the case has been registered against the petitioner for the above said offences.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner has been falsely implicated in this case and the petitioner is no way connected with the alleged occurrence. Subsequently, he submitted that the petitioner was already granted anticipatory bail by the Court below, but because of his poverty, he could not be able to produce the sureties in time. Hence, he prays for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate (Criminal side) on instructions, would submit that the investigation is still pending.

5. The submissions made by the learned counsel on either side are considered. Earlier, the petitioner got anticipatory bail in Cr.M.P.No.4037 of 2017, before the Principal Sessions Court, Theni, for the petition mentioned offence. Further, without mentioning the earlier order, the petitioner filed this anticipatory bail petition before this Court. So, without complying the order passed in the earlier anticipatory bail petition, this application may not be maintainable. Hence, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

sd/-
17/01/2018

/ TRUE COPY /

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

TO

- 1 THE SUB-INSPECTOR OF POLICE
DEVADHANAPATTI POLICE STATION, THENI DISTRICT
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. CC to M/S.R.VENKATESAN Advocate SR.No.830

ORDER
IN
CRL OP(MD) No.174 of 2018
Date :17/01/2018

SMA/RR-CSL/SAR-3/29.01.2018:2P/4c