



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

Friday, the Twenty Third day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.2946 of 2018

LINGASAMY

... PETITIONER/ACCUSED No.1

Vs

THE INSPECTOR OF POLICE,
PASUVANTHANAI POLICE STATION,
THOOTHUKUDI DISTRICT.
IN CRIME NO.10 OF 2018

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.M.PRABHU Advocate

For Respondent : M/S.A.ROBINSON, Government 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 A1, apprehending arrest at the hands of the respondent Police for the offences punishable under Sections 323, 448, 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, in Crime No.10 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that due to money dispute, the petitioner herein is said to have abused the defacto complainant in filthy language and assaulted him with wooden stick and also threatened him with dire consequences. Thus, on complaint, a case has been registered against the petitioner.

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 and his name has been falsely implicated in this case.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the investigation is under progress.
<https://hcservices.ecourts.gov.in/hcservices/>



5. The submissions made by the learned counsel on either side are considered. Admittedly, the *defacto* complainant running a textile business, for which, he availed a loan of Rs.5,00,000/- from the petitioner after executing a sale deed. As of now, even after paying the above said loan, the petitioner herein has not returned the property, as agreed at the time of giving loan. Further, the petitioner threatened the *defacto* complainant, by saying another Rs.5,00,000/- is pending due. So, the corollary circumstances, fairly established the case of prosecution.

6. Considering the above said circumstances of the case and also the fact that the investigation is under progress, the custodial interrogation of the petitioner is very much necessary for completing the investigation. Hence, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

sd/-
23/02/2018

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

TO

- 1 THE INSPECTOR OF POLICE
PASUVANTHANAI POLICE STATION,
THOOTHUKUDI DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.2946 of 2018
Date :23/02/2018

PK/CM-VR/SAR-2/05.03.2018 : 2P/3C