



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

Wednesday, the Twenty Fourth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.967 of 2018

KATHIRESAN

... PETITIONER/ACCUSED NO.1

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
NALATTINPUDUR POLICE STATION,
THOOTHUKUDI DISTRICT.
IN CRIME NO. 11/2018

... RESPONDENT / COMPLAINANT

JAYAPPAUL

... INTERVENER/DEFACTO COMPLAINANT

For Petitioner : M/S.M.MARIA VINOLA Advocate

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

For Intervener : MR.S.MUTHALRAJ, Advocate

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

ORDER : The Court Made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 147, 323, 324, 341 and 506(ii) IPC and Section 4 of Tamilnadu Women Harassment and Protection Act, in Crime No.11 of 2018, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the Secretary of DMK youth wing, Kilavipatti village. On 14.01.2018, at the time of pongal festival, the defacto complainant hoisted the flag. When the same was questioned by the petitioner/accused, there was a wordy quarrel arose between the petitioner and the defacto complainant due to which the petitioner and other accused assaulted the defacto complainant using aruval and beaten him using belt. A4 broke the head of the defacto complainant using bottle and he sustained multiple grievous injuries including head injury. When the defacto complainant's mother rushed for the aid of her son, A5 and A6 pushed her down. Hence, the case has been registered for the above said offences.



3. The learned counsel appearing for the petitioner submitted that the petitioner is the District Secretary of Vithuthalai Chiruthai Katchi and was the President of Kilavipatti Panchayat for the past 10 years. Due to ulterior motive the defacto complainant lodged a false complaint against the petitioner. He further submitted that the petitioner is an innocent person and he did not commit 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 offence. Hence, he pleads for grant of anticipatory bail to the petitioner.

4. The learned counsel appearing for the intervenor submitted that the petitioner is the 3rd person in rank in the rowdy list of Thoothukudi District and in the year 1993, he involved in double murder case and in the year 2016, he involved in the offences under Sections 302 and 307 of IPC. Hence, he opposed to grant anticipatory bail to the petitioner.

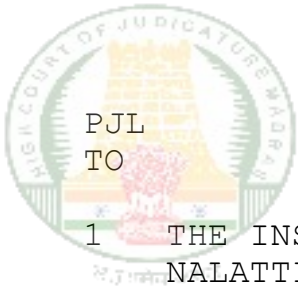
5. The learned Government Advocate (Criminal Side) appearing for the respondent on instructions, would submit that the injured is still in hospital for taking treatment. He further submitted that already twenty previous cases are pending against the petitioner and in this case, the investigation is still pending.

6. The submissions made by the learned counsel on either side are considered. It is alleged that during the time of occurrence, the petitioner assaulted the defacto complainant and committed the offence. As per the case of the petitioner, the petitioner is falsely implicated in this case. As of now, the person, who sustained injury during the time of occurrence is still in the hospital for taking treatment. Even though, the custodial interrogation is not necessary for completing the investigation, as per the submission made by the prosecution, 20 previous cases were registered against the petitioner in which, three cases are registered for the offence under Section 302 IPC., and 7 cases are registered for the offence under Section 307 I.P.C. Even though most of the cases are ended in acquittal, the other circumstances shows that the petitioner is the habitual offender. So, I can not construed this offence as a lenient one. So, for the discussions stated above, this Court is not inclined to grant anticipatory bail to the petitioner. Hence, this Criminal Original Petition is dismissed.

sd/-
24/01/2018

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



1 THE INSPECTOR OF POLICE
NALATTINPUDUR POLICE STATION, THOOTHUKUDI DISTRICT.

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

+1. CC to M/S.M.MARIA VINOLA Advocate SR.No.1262
+1cc to MR.S.MUTHALRAJ, Advocate in SR.No.1258

GJM/CM/VR/SAR-4-31.1.18-3P-5C

ORDER
IN
CRL OP (MD) No.967 of 2018
Date :24/01/2018