



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

Thursday, the Sixth day of December Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21491 of 2018

1 R.JEYAN
2 SHAJI@SHAJIN

... PETITIONER / ACCUSED No. 1 & 2

Vs

THE STATE REP. BY,
THE INSPECTOR OF POLICE
KALIYAKKAVILAI POLICE STATION,
KANYAKUMARI DISTRICT
(IN CRIME NO.239/2018)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.C.MUTHUSARAVANAN Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

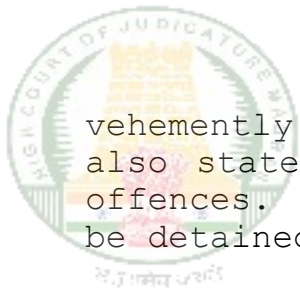
The petitioners who apprehending arrest at the hands of the respondent police for the offences punishable under Sections 341, 294(b), 324, 307 and 506(ii) of I.P.C. and Section 3(1) of TNPP (D&L) Act, 1992, in Crime No. 239 of 2018, seek anticipatory bail.

2. The case of the prosecution is that the first petitioner was previously employed under the defacto complainant. There was an earlier occurrence on 05.08.2018, the petitioners said to have assaulted the defacto complainant on his leg and other parts in that case which was registered in Crime No.145 of 2018 by the same respondent police. Due to previous motive, on 19.11.2018, the petitioners had attacked the defacto complainant with iron rod on his head and shoulders.

3. The contention of the petitioners is that the defacto complainant is used by the respondent police to prejudice as the petitioners are regular offenders detained the Act under 14.

<https://hcservices.ecourts.gov.in/hcservices/>

4. The learned Government Advocate (Criminal Side)



vehemently opposed to grant anticipatory bail to the petitioners and also stated that the petitioners are the nature to commit similar offences. He would further submit that the petitioners are soon to be detained under detention Laws, Act 14.

5. On perusal of First Information Report and case diary, the place of occurrence and the place where the defacto complainant was taking treatment are one and the same. Further, in the First information Report, it is categorically mentioned that one of the leg has been amputated and in the medical certificate, there was a deep cut injury and a fracture with regard to the occurrence on 06.08.2018. As far as this occurrence is concerned there is fracture and the victim has been discharged from the hospital.

6. In view of the same, the Criminal Original Petition is dismissed.

sd/-
06/12/2018

/ TRUE COPY /

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

TO

- 1 THE INSPECTOR OF POLICE
KALIYAKKAVILAI POLICE STATION,
KANYAKUMARI DISTRICT
- 2 THE OFFICER IN CHARGE
SUB JAIL, KUZHITHURAI,
KANIYAKUMARI DISTRICT
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to MR.C.MUTHUSARAVANAN Advocate SR.No.99164

ORDER
IN
CRL OP(MD) No.21491 of 2018
Date :06/12/2018

MSI/VR-MMS/SAR-I/12.12.2018-2P/5C