



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

Wednesday, the Fifteenth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

CRL OP (MD) No.4953 of 2019

ANANDHAN

... PETITIONER/ACCUSED
(RANK NOT KNOWN)

Vs

THE STATE REPRESENTED BY,
THE INSPECTOR OF POLICE
KADUPATTI POLICE STATION,
MADURAI DISTRICT.
(CR.NO. NOT KNOWN/2019)

... RESPONDENT/COMPLAINANT

For Petitioner : MR.M.PITCHAI MUTHU, Advocate

For Respondent : MR.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 apprehends arrest at the hands of the respondent Police, in connection with Crime No.76 of 2019 for the offence punishable under Sections 323, 506(i) of IPC and Section 4 of TNPHW Act, seeks anticipatory bail.

2. According to the petitioner one Sudha has made a complaint before the respondent police stating that out of previous motive, she was abused and intimidated with dire consequences by the petitioner.

3. The learned Government Advocate(Crl.Side) on instructions from respondent police would submit that the victim was discharged from the hospital on 13.05.2019.

4. Mr.T.Lajapathy Roy, learned counsel, requested this Court to permit him to appear for the defacto complainant and would submit that the concerned Inspector of Police has not registered the case properly and therefore, has placed some materials before the Court. He has also submitted some photographs showing the injuries sustained by the defacto complainant and also submitted a copy of the representation made to the Inspector of Police of the concerned station and the Superintendent of Police, Madurai District.



5. A perusal of the First Information Report discloses that on 21.03.2019, the petitioner had assaulted the defacto complainant with stick. According to the learned counsel for the defacto complainant, the defacto complainant was admitted in the hospital on 21.03.2019 for grievous injury and 27 stitches have been made all over the body, however, the respondent police has registered a case only for offences under Section 323 IPC.

6. The learned Government Advocate (Crl. Side), after verifying with the concerned Sub Inspector of Police, would submit that only after discharge from the hospital and after obtaining certificate from the Doctor, the offence would be altered.

7. The photographs produced by the defacto complainant discloses the nature of injuries sustained by her, however the respondent police has acted in a very careless manner and registered a case for the offence punishable under Section 323 IPC. Considering the nature of injuries sustained and the manner in which the present case has been registered by referring only section 323 IPC, this petition is liable to be dismissed.

8. Accordingly, this petition is dismissed. Taking judicial note and the manner in which the case has been registered by the respondent police, this Court is inclined to issue direction to the Superintendent of Police, Madurai District to verify the records and conduct a detailed enquiry with regard to the manner in which the case has been registered for the offences punishable under Section 323 IPC.

9. Hence the Superintendent of Police, Madurai District is directed to withdraw the case from the file of the Inspector of Police, Kadupatti Police Station, Madurai District and allot the same to other Police station for further investigation.

10. With the above observation, the Criminal Original Petition is dismissed.

sd/-
15/05/2019

/ TRUE COPY /

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

TO

1. THE INSPECTOR OF POLICE
<https://hcservices.ecourts.gov.in/hcservices/>
KADUPATTI POLICE STATION,
MADURAI DISTRICT



2. THE SUPERINTENDENT OF POLICE,
MADURAI DISTRICT

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

ORDER

IN

CRL OP (MD) No.4953 of 2019

Date :15/05/2019

GNS/AAV

PK/PN/SAR-3/21.05.2019 : 3P/4C