



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/08/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.10641 of 2019

Powen Kumar,

... Petitioner/Accused -1

Vs

The State rep.by
Inspector of Police,
Kodaikanal Police Station,
Dindigul District.
Crime No. 206 of 2019.

..Respondent/Complainant

Muthu Erulayi

... Petitioner/Defacto Complainant
in CRL MP(MD).NO.7217 of 2019 in
CRL OP(MD).NO.10641 of 2019

For Petitioner : M/s.A.S.Vaigunth,
Advocate.
For Respondent : Mrs.M.Anantha Devi,
Government Advocate (Crl.Side)
For Intervenor : Mr.M.Saravanan

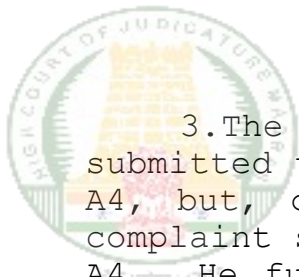
PRAYER :-

For Anticipatory Bail in Crime No. 206 of 2019 on the file of the Respondent Police.

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 324,506(ii) of I.P.C, and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.206 of 2019, seek anticipatory bail.

2. Heard the learned counsel for the petitioner, learned counsel for the intervenor/defacto complainant and the learned Government Advocate for the respondent police.



3.The learned counsel appearing for the petitioner has submitted that the petitioner is not having any illegal contact with A4, but, only on suspicion, the defacto complainant has lodged a complaint stating that the petitioner is having illegal contact with A4. He further submitted that the petitioner is ready to take the defacto complainant, but, the defacto complainant is not willing to come with the petitioner. He further submitted that the injured sustained only simple injury and she was discharged from the hospital and therefore, he prayed for granting anticipatory bail to the petitioners.

4.Per contra, the learned counsel for the intervenor/defacto complainant has submitted that the petitioner is having illegal contact with A4/Thamaraiselvi and A4 is also residing only with the petitioner and when the same was questioned by the defacto complainant, the petitioner and other accused persons have assaulted the defacto complainant and caused serious injuries. He further submitted that even now, the petitioner is living with A4 only and under the said circumstance, it is not possible for the defacto complainant to live with the petitioner. He further submitted that the defacto complainant is suffering without any income and she is having two children and the petitioner neglected the defacto complainant and her children and therefore, he strongly opposed this petition.

5.The learned Government Advocate has adopted the arguments by the learned counsel for the intervenor/defacto complainant and she has submitted that investigation also reveals that the petitioner is living with A4 and for investigation purpose custodial interrogation of the petitioner is also necessary and therefore, she strongly opposed this petition.

6.Taking into consideration of the allegations made against the petitioner that he is living with A4 and neglected the defacto complainant and her children and also the fact that when the same was questioned by the defacto complainant all the accused have assaulted the defacto complainant, and also the submission made by the learned Government Advocate that the custodial interrogation of the petitioner is obsoletely necessary, this Court is not inclined to grant anticipatory bail to the petitioner. Therefore, this Criminal Original Petition is dismissed.

sd/-
16/08/2019

/ TRUE COPY /

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



TO

1 THE INSPECTOR OF POLICE,
KODAIKANAL POLICE STATION,
DINDIGUL DISTRICT.

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

ORDER

IN

CRL OP(MD) No.10641 of 2019

Date :16/08/2019

Ls

AE/PN/SAR-III (27.08.2019) 3P 3C