

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Sixteenth day of March Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.5145 of 2020

MURUGAN

[PETITIONER / ACCUSED]

Vs

STATE THE INSPECTOR OF POLICE, [RESPONDENT]
TIRUPPUR NORTH POLICE STATION,
TIRUPPUR CITY.
(CRIME NO.361 OF 2020)

For Petitioner : M/S S.GUNALAN Advocate

For Respondent : MR. K.PRABAKAR, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

- 1.The Petitioner herein, apprehending arrest at the hands of the Respondent Police, for having allegedly committed the offences punishable under Sections 294(b), 326, 506(ii) of IPC read with Section 4 of the TNPWH Act, in Cr.No.361 of 2020, has filed this Criminal Original Petition, under Section 438 of Cr.PC, seeking anticipatory bail.
- 2.The facts of the case of the Prosecution as per the defacto complainant are that the Petitioner had married the daughter of the defacto complainant, 10 years back and they got two children. Since the Petitioner was having illicit intimacy with another lady, it was questioned by the daughter of the defacto complainant. Hence, the Petitioner assaulted his wife and abused her in a filthy language. Hence, the Petitioner has been implicated as an accused in the case on hand.
- 3.This court heard the learned counsel for the Petitioner and the learned Additional Public Prosecutor for the Respondent and also perused the materials placed before this Court.
- 4.According to the Petitioner, the Petitioner is in no way connected with the alleged offences. The Petitioner is the husband of the daughter of the defacto complainant. Due to a matrimonial dispute, she left the matrimonial home and made the present complaint through her father against the Petitioner. The Petitioner would abide by any conditions to be imposed by this Court for enlarging the Petitioner on anticipatory bail.

5. On the other hand, the learned Additional Public Prosecutor, while vehemently opposing to grant anticipatory bail, would submit that the Petitioner had assaulted his wife, who is the daughter of the defacto complainant and caused bodily injuries as many as six injuries, viz. (1) facial edema over B/L maxillary area, (2) edema over periorbital area, (3) cigarette burn mark over L elbow at 2 spots, (4) nasal bleeding, (5) B/L chest wall tenderness and (6) contusion over R shoulder 8x4 cm, to her. Though the injured had been discharged from the Hospital, she had suffered grievous injuries.

6. Considering the facts and circumstances of the case and the submissions of the learned counsel on either side, particularly the fact that the injuries suffered by the victim are grievous in nature, this Court is not inclined to grant anticipatory bail in favour of the Petitioner. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

16/03/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

2 THE INSPECTOR OF POLICE,
TIRUPPUR NORTH POLICE STATION,
TIRUPPUR CITY.

CC to S.GUNALAN Advocate on payment of necessary charges

WEB COPY

CRL OP.5145/2020

Date :16/03/2020

RVR 13/05/2020