



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

Date : 16/10/2020

PRESENT

WEB COPY

The Hon'ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.11690 of 2020

S.Pandithurai

... Petitioner/Accused No.1

Vs

The State rep. by
The Inspector of Police,
Karaikudi North Police Station,
Sivagangai District.
(Crime No. 807 of 2020).

... Respondent/Complainant

For Petitioner : Mr.AR.L.Sundaresan, Senior Counsel
for M/s.AL.Ganthi Mathi, Advocate.

For Respondent : Mr.KR.Bharathi Kannan,
Government Advocate (Criminal Side)

PETITION FOR ANTICIPATORY BAIL Under Section 438 of Cr.P.C

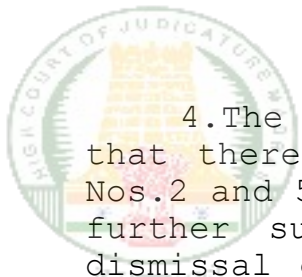
PRAYER :- For Anticipatory Bail in Crime No.807 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 448, 294(b), 323, 337, 427 and 506(ii) of IPC seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused trespassed into the shop of the defacto complainant and also damaged the entire shop and instruments to the tune of Rs.4,00,000/- and also caused injuries to the defacto complainant.

3.The learned counsel for the petitioner would submit that the petitioner is running a private transport and the defacto complainant is running a medical shop and they are known to each other for the past 25 years. The defacto complainant used to borrow money from the petitioner, while being so, the defacto complainant borrowed a sum of Rs.3,00,000/- from the petitioner and also had given posted dated cheques in favour of the petitioner. Hence, on 03.10.2020, the petitioner herein went to the defacto complainant medical shop and requested to return the money which was borrowed by the defacto complainant. At that time there was a wordy quarrel, for which a false complaint has been given against the petitioner as if he damaged the medical shop of the defacto complainant.



4.The learned Government Advocate (Criminal Side) would submit that there are totally five accused in this case and the accused Nos.2 and 5 were arrested and remanded to judicial custody. He would further submit that there is no change of circumstances after dismissal of the earlier bail application in Crl.OP(MD)No.10999 of 2020 dated 08.10.2020. Further, the custodial interrogation of the petitioner is absolutely necessary and therefore, he opposed to grant anticipatory bail to the second petitioner.

5.It is seen that this is the second application seeking anticipatory bail. The earlier bail application in Crl.OP(MD) No.10999 of 2020 was dismissed on merit by this Court on 08.10.2020.

6.Taking into consideration of the fact that the accused Nos.2 & 5 were already arrested and remanded to judicial custody and the petitioner is concerned, there is no change of circumstances after dismissal of the earlier bail application in Crl.OP(MD)No.10999 of 2020, this Court is not inclined to grant anticipatory bail to the second petitioner.

7.Accordingly, this Criminal Original Petition stands dismissed.

sd/-
16/10/2020

/ TRUE COPY /

/ /2020

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE INSPECTOR OF POLICE,
KARAIKUDI NORTH POLICE STATION,
SIVAGANGAI DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN
CRL OP(MD) No.11690 of 2020
Date :16/10/2020

DSS

SRS/ AKM/SAR-IV/ 28.10.2020/ 2P/3C

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