



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Friday, the Second day of July Two Thousand Twenty One

WEB COPY

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.11329 of 2021

STEPHAN TYSON

[PETITIONER / ACCUSED]

Vs

STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
MUTHIALPET POLICE STATION,
CHENNAI DISTRICT.
CRIME NO.666 OF 2021.

For Petitioner : M/S W.CAMYLES GANDHI Advocate

For Respondent : MR.A.GOPINATH Govt. Advocate (Crl. Side)

For Intervener : M/S.PARTHA (PARTY-IN-PERSON)]

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 for the alleged offence under Sections 188, 269, 147, 294(b), 336, 506(ii) of IPC and Section 3 of Epidemic Disease Act, 1897 and Section 71(XV) of TNCP Act, 1888 in Cr.No.666 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is usually in the habit of consuming alcohol and creating a errie situation in the late night hours in the locality and similarly on 15.06.2021 at about 11.30 p.m., the petitioner had consumed alcohol and had misbehaved with the defacto complainant in front of his family members and threatened to do away with him and he also created in a scene at the place. Further the petitioner used filthy language to abuse the defacto complainant in front of his family members and members of the locality, which led to the filing of the complaint by the defacto complainant.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and further submitted that the petitioner is ready to tender apology, if he had otherwise in any manner misbehaved with the defacto complainant.



4.The defacto complainant who is an Advocate appeared as party - in - person and submitted that the petitioner is also an Advocate and is in the habit of consuming alcohol along with his friends used to party till the late night hours and on the specific day, the petitioner entered the defacto complainant's house and in front of his mother, wife and brother and in the presence of the Inspector of Police, the petitioner abused the defacto complainant in filthy language and he also challenged the law enforcing agency. He further submitted that if anticipatory bail is granted to the petitioner, who is an advocate, who has to conduct himself in a respectable manner before other citizens, it will be of encomium to the wrong doers and they will continue to do similar acts and such acts more especially by the members of the legal fraternity should be dealt with strictly.

5.The learned Government Advocate (Crl. Side) submitted that there is one previous case as against the petitioner.

6. The petitioner is an advocate, which is admitted. The standards set for the members of the legal community is more stringent than the standards for the normal citizens. Such an act committed by a normal citizen would itself be looked upon frowningly by this Court and the present act, having been committed by a member of the legal fraternity against another member of the legal fraternity, before the law enforcing agency, is all the more grave and if this Court entertains such petitions, it would be sending a wrong signal to the other persons in the society, who will take law into their own hands and behave in an irresponsible manner, which will only lead to anarchy. Further, it is also to be pointed out that there is also a previous case against the petitioner and such being the case, this Court is of the opinion that inspite of registration of the case, the petitioner has not mend his ways and conduct himself properly and that being the case, granting anticipatory bail to the petitioner for such a grave and illegal act would have a detrimental effect on the society and, therefore, this Court, in the above stated circumstances, is not inclined to grant anticipatory bail to the petitioner.

7.Accordingly, this criminal original petition is dismissed.

-sd/-
02/07/2021

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.



1 THE INSPECTOR OF POLICE,
MUTHIALPET POLICE STATION,
CHENNAI DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S W.CAMYLES GANDHI Advocate on payment of necessary charges

CRL OP.11329/2021

Date : 02/07/2021

MK:17/07/2021