



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/04/2021

WEB COPY

PRESENT

The Hon'ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD).No.4078 of 2021

1.Prince @ Rajith Prince

2.Brisil @ Rajith Pricil ... Petitioners/Accused Nos.1 & 2

Vs.

State Rep.by its
The Sub Inspector of Police,
Puthukadai Police Station,
Kanyakumari District.
Cr.No.99 of 2021.

... Respondent/Complainant

For Petitioners: Mr.Ramakrishna Dass, N.S.,
Advocate.

For Respondent : Ms.R.Anandhadevi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.99 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A1 & A2, apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 452, 342, 294(b), 323 and 506(i) IPC, in Crime No.99 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant had borrowed some money from the petitioners for interest and due to nonpayment of the interest and principal amount, the petitioners trespassed into the defacto complainant's house and abused by filthy language and also assaulted him and caused injury. Hence the complaint.

3.The learned counsel appearing for the petitioners submitted <https://hcs.eodas.gov.in/roser/0501> the complainant lodged the present complaint only to avoid



repayment of the amount. Hence, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side) appearing for the respondent Police submitted that the petitioners brutally attacked the defacto complainant and he sustained severe injury and got treatment for one month in the Government Hospital at Asaripallam. He further submitted that investigation is not completed. Hence, she strongly opposed to grant anticipatory bail to the petitioners.

5.Considered the rival submissions. The defacto complainant said to have borrowed a sum of Rs.3,20,000/- from the first petitioner and he was paying a sum of Rs.17,000/- interest per month. Due to covid pandemic situation, he was not able to pay the amount. Hence the petitioners along with two others illegally trespassed into the house of the defacto complainant on 24.02.2021 at about 10.00 a.m. and illegally confined the defcato complainant's wife and children by locking the door. When, the defacto complainant arrived his counsel at 6.00 p.m., he found that his wife and children are confined at his house. The petitioners again illegally trespassed into the house and also attacked the defacto complainant with wooden log and caused serious injury at about 9.00 p.m. on the same day.

6.Considering the facts and circumstances of the case and also considering the gravity of the offence and the fact that the petitioners caused serious injury to the defacto complainant and he took treatment at the Government Hospital, Aasaripallam, as impatient for more than a month, this Court is not inclined to grant anticipatory bail to the petitioner.

7.Hence, this criminal original petition stands dismissed.

sd/-
19/04/2021

/ TRUE COPY /

/ /2021
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 SUB INSPECTOR OF POLICE
PUTHUKADAI POLICE STATION,
KANYAKUMARI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.4078 of 2021

Date :19/04/2021

SMA/24/04/2021/3P/3C