



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

Friday, the Sixteenth day of April Two Thousand and Twenty One

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PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP (MD) . No.5355 of 2021

Kochu @ Selvaprakash

... Petitioner/Accused No.4

Vs

The Inspector of Police,
Thevaram Police Station,
Theni District
Cr No.116/2021.

... Respondent/Complainant

For Petitioner : Mr.Manickam.R.,
Advocate.

For Respondent : Mr.M.Ganesan,
Government Advocate (Crl.Side)

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

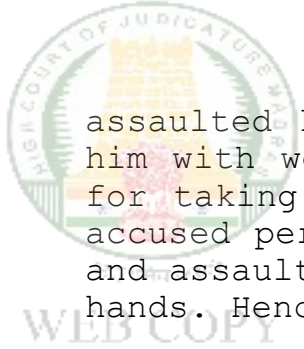
PRAYER :-

For Anticipatory Bail in Crime no. 116 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as Accused No.4, apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 323, 324, 448 and 506(ii) of IPC and Section 3(1) of TNPPDL Act, in Crime No.116 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to previous enmity on 06.04.2021 at about 08.30 p.m the defacto complainant and his brother Sivasakthi were buying Parotta in Poorna Mess, at that time, the petitioner and his friends namely, Manikandan, Shanmugam and Prabakaran, Vishnu and three unidentified persons came there and abused the defacto complainant by using filthy language and also



assaulted him with knife on his left shoulder and others attacked him with wooden log. Thereafter, he was admitted in the hospital for taking treatment. At that time, again the petitioner and other accused persons said to have illegally trespassed into the hospital and assaulted the defacto complainant and his friend and mother with hands. Hence, the present complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner has been falsely implicated in this case. He further submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. 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 injured has been discharged from the hospital and that the investigation is at preliminary stage.

5.It is seen from submission made that due to previous enmity on 06.04.2021 at about 08.30 p.m the defacto complainant and his brother Sivasakthi were buying Parotta in Boorna Mess, at that time, the petitioner and his friends namely, Manikandan, Shanmugam and Prabakaran, Vishnu and three unidentified persons came there and abused the defacto complainant by using filthy language and also assaulted him with knife on his left shoulder and others attacked him with wooden log. Thereafter, he was admitted in the hospital for taking treatment. At that time, again the petitioner and other accused persons said to have illegally trespassed into the hospital and assaulted the defacto complainant, his friend and mother with hands.

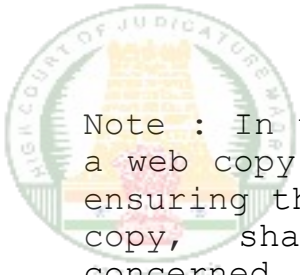
6.Considering the facts and circumstances of the case and also considering the fact that the petitioner and other said to have illegally trespassed into the hospital and attacked the defacto complainant and, his friend and mother and caused injury and the fact that the investigation is at preliminary stage, this Court is not inclined to grant anticipatory bail to the petitioner.

7.Accordingly, this Criminal Original petition stands dismissed.

sd/-
16/04/2021

/ 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.

WEB COPY

TO

1 THE INSPECTOR OF POLICE
THEVARAM POLICE STATION, THENI DISTRICT.

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

ORDER
IN
CRL OP (MD) No.5355 of 2021
Date :16/04/2021

vsg
CSL/27.04.2021 : 3P/3C