



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

Date : 16/04/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.5369 of 2021

1. Prabhakaran
2. Hari Krishnakumar ... Petitioners/Accused Nos.2 & 5

Vs

State Rep. by
The Inspector of Police,
Thevaram Police Station,
Theni District.
Crime No. 116/2021. ... Respondent/Complainant

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

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

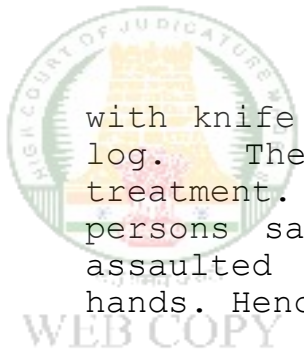
PRAYER :-

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

ORDER : The Court made the following order :-

The petitioners, who are arrayed as Accused Nos.2 and 5, 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, seek 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 petitioners and his friends namely, Manikandan, Shanmugam and Vishnu and three unidentified persons came there and abused the 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 petitioners 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 petitioners submitted that the petitioners have been falsely implicated in this case. He further submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Hence, he prayed for grant of anticipatory bail to the petitioners.

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 Poorna Mess, at that time, the petitioners and his friends namely, Manikandan, Shanmugam and 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 hospital for taking treatment. At that time, again the petitioners and other accused persons said to have illegally trespassed into the hospital and assaulted the defacto complainant, his friend and his mother with hands.

6.Considering the facts and circumstances of the case and also considering the fact that the petitioners and other said to have illegally trespassed into the hospital and attacked the defacto complainant, 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 petitioners.

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,
<https://hcservices.courtsofmadras.gov.in/hcservices> 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,
THEVARAM POLICE STATION,
THENI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.5369 of 2021

Date :16/04/2021

vsg

JM/VR/SAR III/23.04.2021/2P/3C