



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/04/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.5480 of 2021

1. A.Irudaya James Ajith @ Ajith
2. J.Jerish Micheal ... Petitioners/Accused No.1

Vs

The State rep by
The Inspector of Police,
North Police Station,
Thoothukudi
Crime No.164 of 2021. ... Respondent/Complainant

For Petitioners: Mr.Antony S.Prabahar,
Advocate.
For Respondent : Mr.M.Ganesan,
Government Advocate (Crl.Side)

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

PRAYER :-

To Anticipatory Bail Petition in Crime No 164 of 2021 on the file of the respondent Police

ORDER : The Court made the following order :-

The petitioners, who are arrayed as Accused, apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 448, 294(b), 323, 324 and 506(ii) of IPC and Section 4 of TNPWH Act, in Crime No.164 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant has borrowed a sum of Rs.2 lakhs from the first petitioner. Since she did not repay the amount to the first petitioner, the first petitioner along with three others abused the defacto complainant by using filthy language and also assaulted her. In pursuant to the complaint given by the defacto complainant, the case in crime No.151 of 2021 was registered against the petitioners for the offence under Sections 294(b), 323, 324 and 506(ii) of IPC and Section 4 of TNPWH Act and the same is pending. While that being so, on 17.02.2021 at about 01.00 a.m when the defacto complainant was sleeping along with



her minor daughter, the first petitioner along with three others covering their face, had forcibly trespassed into the defacto complainant's house and abused the defacto complainant by using filthy language and tied her mouth and hand with rope and caused cut injury twice on the right hand of her minor child and threatened the defacto complainant to withdraw case registered in Crime No.151 of 2021 against him and others. Thereafter, they escaped from the scene of occurrence. Hence, the present complaint.

3.The learned counsel appearing for the petitioners submitted that even in the FIR it is seen that the defacto complainant has borrowed a sum of Rs.2 lakhs from the first petitioner. When the first petitioner asked to return the said amount, this case came to be falsely registered against the petitioners and others. Hence, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side) appearing for the respondent Police strongly opposed this petition on the ground that the previous case in Crime No.151 of 2021 is pending against the petitioners and others.

5.It is seen from the submission made that when criminal case is pending against the petitioners, the petitioners again illegally trespassed into the defacto complainant's house and threatened her to withdraw the above said case.

6.Considering the seriousness of the offence and also considering the fact that the petitioner is having one previous case and the victim was threatened by the petitioners to withdraw the case, this Court is not inclined to grant anticipatory bail to the petitioner.

7.Accordingly, this Criminal Original Petition stands dismissed.

sd/-
17.04.2021

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/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

vsg

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,
North Police Station,
Thoothukudi.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.5480 of 2021

Date : 17/04/2021

VB VR SAR IV(05/05/2021) 3P / 3c