



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/04/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.5590 of 2021

Murugesan ... Petitioner/Sole Accused

Vs

The Inspector of Police,
Palanichettypatti Police Station,
Theni District.
Crime No.149/2021. ... Respondent/Complainant

Manoharan ... Petitioner/Intervener
in Cr1.MP (MD) No.3361/2021
in Cr1.OP (MD) No.5590/2021

For Petitioner : Mr.R.Sureshkumar,
Advocate.
For Respondent : Mr.M.Ganesan,
Government Advocate (Cr1.Side)
For Intervener : Mr.S.Ramasamy,
Advocate

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

PRAYER :-

To Anticipatory bail in Cr. No149 of 2021 on the file of the Respondent Police

ORDER : The Court made the following order :-

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 294 (b), 323, 336, and 506 (ii) of IPC in Crime No.149 of 2021 on the file of the respondent police, the petitioner has come forward with this petition seeking anticipatory bail.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent police.



3.It is seen from the submissions made that on 02.04.2021, at about 02.30 p.m., with regard to the demand made by the petitioner to the defacto complainant to give space for the pathway in his land, the petitioner said to have blocked the pathway with a sheet. When the defacto complainant questioned the same, the petitioner said to have attacked him with stone in his head, hands and legs and criminally intimidated him. On the same day, at about 06.30 p.m., when the defacto complainant was sitting near Udhayam Bakery, at his office, the petitioner said to have taken Aruval and attacked him. Hence, this complaint.

4.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and the petitioner has been falsely implicated in the present case and hence, he seeks anticipatory bail. He would further submit that the petitioner is an influential person in a political party and whenever the petitioner gave complaints, the police is not registering FIR, but only giving CSR numbers. There is a previous motive for the defacto complainant to give false complaint against the petitioner. He has also produced the copies of FIRs registered against him in Crime Nos.2026 of 2020 and 103 of 2021.

5.The learned counsel for the intervener opposes this petition on the ground that the petitioner is repeatedly causing problems and there are three cases pending against him.

6.The learned Government Advocate (criminal side), on instructions, submitted that the petitioner has previous cases pending against him and also submitted that even from the FIRs filed by the petitioner, one Arul Prakash has also given complaint against the petitioner, which was registered in Crime No.2026 of 2020 and one more FIR is pending against the petitioner in Crime No.103 of 2021.

7.Taking into account the facts and circumstances of the case and the fact that the petitioner has three previous cases pending against him, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this petition is dismissed.

sd/-
28/04/2021

/ 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 INSPECTOR OF POLICE,
PALANICHETTYPATTI POLICE STATION,
THENI DISTRICT.
- 2.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.5590 of 2021
Date :28/04/2021

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PK/AKM/SAR-III/21.05.2021 : 3P/3C