



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 09/07/2021
PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.8323 of 2021

Prakash ... Petitioner/Accused No.1
Vs
The State rep.by
The Inspector of Police,
Melavalavu Police Station,
Madurai District
Crime No. 114/2021.. ... Respondent/Complainant

A.Thirumalai ...Petitioner/Intervener/Defacto Complainant
In CRL MP(MD) NO.4445 OF 2021 IN
CRL OP(MD) NO.8323 OF 2021

For Petitioner : Mr.B.Anandan, Advocate.
For Intervenor : M/s.Dilip Kumar, Advocate
For Respondent : Mr.Muthumanikkam,
Government Advocate (Crl.Side)

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

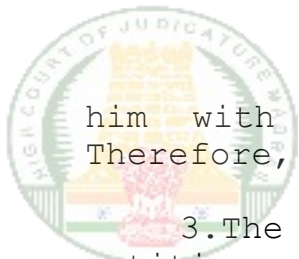
PRAYER :-

For Anticipatory Bail in Crime No. 114 Of 2021 on the
file of the respondent Police

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the
respondent police for the alleged offences punishable under Sections
147,109,324 and 506(ii) of IPC, in Crime No.114 of 2021, seeks
anticipatory bail.

2.The case of the prosecution is that the defacto complainant
was living in Sambiranipatti Village. He is involved in protecting
water bodies along with certain other persons, which is not liked by
the accused persons. Therefore Prakash, Machakalai, Parvathy,
Pasumpon Muthuraman, Ayyanar, Thirunavukkuarasu, Sivakami,
Kusalavan, Thilagavathi and three other from Madurai instigated
other three unknown persons and attacked the defacto complainant. On
16.06.2021 at about 03.00 hrs when the defacto complainant was
standing near IOC pipeline three accused persons came with deadly
weapons like aruval and thereafter questioned him why case was
being filed in respect of water bodies . Saying so started attacking



him with deadly weapons, as a result he suffered injuries. Therefore, this case came to be registered.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. He would also submit that A7 and A8 are residing in Malaysia and A10 to A13 are in Madurai. Therefore the allegations against A7 to A13 that they instigated A1 to commit the offence is false. There is no allegation with regard to the overt act against these petitioners, therefore he seeks anticipatory bail.

4. The learned counsel for the defacto complainant/intervenor would submit that it is the accused who is behind the attack against the defacto complainant. In the attack defacto complainant suffered injuries. He has also submitted the photos showing the injuries suffered by the defacto complainant in the attack. He is also under threat from the accused persons. The accused in this case who attacked the defacto complainant are not known to the defacto complainant. unless the accused persons are interrogated the name and identity of the assailants could not be identified, therefore he seeks dismissal of the petition.

5. The learned Government Advocate (Crl.side) for the respondent strongly opposed this petition on the ground that investigation is pending. However he fairly concedes that the injured has been discharged from the hospital.

6. As narrated above, the case of the defacto complainant is that due to the active involvement of the defacto complainant in protecting water bodies with and in other social issues, the accused persons engaged hooligans and attacked him. Perusal of the photos filed by the defacto complainant shows that the defacto complainant suffered extensive deep cut injuries. From the sight of the photos the injuries seems grievous and terrifying.

7. Considering the nature of serious injuries suffered by the defacto complainant and also the objection of the learned counsel for the defacto complainant that unless the accused persons are arrested and interrogated, the name and identity of the assailants cannot be identified, this Court is not inclined to grant anticipatory bail to the petitioner.

8. In the result, the petition stands dismissed.

sd/-
09/07/2021

/ 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
MELAVALAVU POLICE STATION,
MADURAI DISTRICT.

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

+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-4478[I] dated 09/07/2021)

ORDER

IN

CRL OP(MD) No.8323 of 2021

Date :09/07/2021

SA/VR/SAR.5/15.07.2021/3P/4C