



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14.07.2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.9317 of 2021

Nishanth

... Petitioner/Accused No.4

Vs

State Represented by,
The Inspector of Police,
South Police Station,
Karaikudi, Sivagangai District.
Crime No.365 of 2021,

... Respondent/Complainant

For Petitioner : Mr.C.Jeyaprakash, Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate(Criminal Side)

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

PRAYER :-

For Anticipatory Bail in Crime no.365 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 323, 324 and 506(2) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.365 of 2021 , seeks anticipatory bail.

2.The case of the prosecution is that one Dhiraviyam and his relatives are involved in illegal activities. The defacto complainant and other youth in the area, told them that they should not involve in the illegal activities and if they involve, that would be intimated to the Police. Dhiraviyam and his family members became inimical towards the defact complainant after this incident and they were looking for an opportunity to fight with the defacto complainant. On 27.06.2021, at about 02.00 pm, Pandi,



S/o.Dhiraviyam picked up fight with defacto complainant and therefore, the defacto complainant gave a complaint in the Police Station. Police enquired them and let them off after warning. On 29.06.2021, at about 04.30 pm, when the defacto complainant was standing in front of his house with his brother, the accused had come with weapons and scolded them in filthy language. Pandi and Ajith attacked him with knife on his head and left shoulder. Nishanth and Manikandan attacked the defacto complainant's brother on head. When the defacto complainant's mother intervened, she was also attacked. Then the accused made criminal intimidation and escaped from there. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he is falsely implicated in this case. Therefore, he seeks anticipatory bail to the petitioner.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police opposed this petition on the ground that the investigation is pending. He further submitted that the petitioner has three previous cases pending against him and the details are as follows: (i) Crime No.824 of 2020 in Karaikudi North Police Station for the offences punishable under Sections 143, 270, 279 and 290 of IPC, (ii) Crime No.338 of 2020 in Karaikudi South Police Station for the offences punishable under Sections 147, 148, 294(b) and 506 (2) of IPC and Section 3 of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992 @ Sections 147, 148, 294(b), 427 and 506(2) of IPC and (iii) Crime No.277 of 2020 in Karaikudi South Police Station for the offences punishable under Section 270 of IPC.

5. Considering the nature of the incident, in which this petitioner and other accused have attacked the defacto complainant and his family members and caused injury to them and the fact that the petitioner has three previous cases pending against him, apart from this case, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

sd/-
14/07/2021

/ 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



1. THE INSPECTOR OF POLICE,
SOUTH POLICE STATION,
KARAIKUDI, SIVAGANGAI DISTRICT.

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

ORDER
IN
CRL OP (MD) No.9317 of 2021
Date :14/07/2021

SA/JC/SAR.4/16.07.2021/3P/3C