



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/08/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.10963 of 2021

Jeyabalan

... Petitioner/Accused No.1

Vs

State Rep by
The Inspector of Police ,
Avaniyapuram Police Station,
Madurai City.
Crime No.418 of 2021

... Respondent/Complainant

For Petitioner : Mr.G.Karuppasamy Pandian,
Advocate.
For Mr.J.Senthilkumaraiah, Advocate.
For Respondent : Mr.E.Antony Sahaya Prabahar
Government Advocate (Criminal Side)

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

PRAYER :-

for Anticipatory Bail in Crime No.418 of 2021 on the file of
the Respondent Police

ORDER : The Court made the following order :-

The petitioner/A1, apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 324, 506(ii) and 302 I.P.C and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.418 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to previous enmity, the petitioner's son attacked the defacto complainant and his family members using aruval and wooden stick, thereby, the defacto complainant's father namely Sivasamy sustained injuries and he died while taking to the hospital for medical treatment.



3.The learned counsel for the petitioner would submit that the petitioner's family and the defacto complainant's family are neighbours. There was a previous civil dispute between themselves. On 18.05.2021, when the petitioner's son had parked the bike near his house, the defacto complainant and his family members purposely made a quarrel to the petitioner's family. The deceased Sivasamy intentionally attacked the petitioner's son Kasirajan by using wooden stick and threatened them with dire consequences, during which, the petitioner and his four sons sustained severe injuries. Hence, the petitioner's son gave a complaint against the defacto complainant in Crime No.417 of 2021 for the offences under Sections 147, 148, 294(b), 324 and 506(ii) I.P.C and Section 4 of TNPHW Act. He would further submit that the petitioner is an innocent, he has not committed any offence as alleged by the prosecution, but he has been falsely implicated in this case. Hence, he seeks for grant of anticipatory bail.

4.The learned Government Advocate (Crl.side) appearing for the respondent police would submit that it is a counter case and the investigation is yet to be completed.

5.Though it is a counter case, considering the facts and circumstances of the case, in the said occurrence, the defacto complainant's father died and the specific overt act as against this petitioner, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

sd/-
26/08/2021

/ TRUE COPY /

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

MSA

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,
AVANIYAPURAM POLICE STATION,
MADURAI CITY.

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

ORDER

IN

CRL OP (MD) No.10963 of 2021

Date :26/08/2021

PKP/JM/SAR-1/14.09.2021/3P/3C