



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26.08.2021

PRESENT

**The Hon`ble Mr.Justice B.PUGALENDHI**

**CRL OP(MD)No.12040 of 2021**

Chinraj

... Petitioner/Accused No.2

Vs

State rep.by

The Inspector of Police,

West Police Station,

Thoothukudi District.

(Crime No. 746/2021).

... Respondent/Complainant

For Petitioner : M/s.M.Maria Vinola, Advocate

For Respondent : M/s.P.Kottai Chamy,  
Government Advocate (Crl.Side)

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

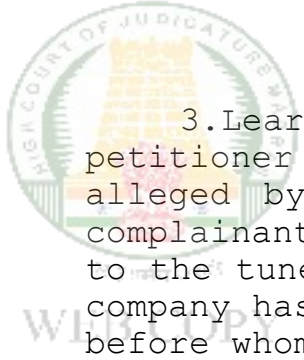
PRAYER :-

For Anticipatory Bail in Crime No.746 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, 506(ii) IPC in Crime No.746 of 2021, seeks anticipatory bail.

2.The prosecution case is that the defacto complainant used to work in A.K.Ram Chits and when the owner of the said company made an allegation that the defacto complainant misappropriated some amount, he left the company and joined one Subhash Builders. On 12.08.2021, the petitioner and other accused, went to the defacto complainant's house and demanded the collection money of A.K.Ram Chits. They have also scolded him in filthy language, attacked him in his left eye and cheek. Hence, the complaint.



3. Learned Counsel for the petitioner submits that the petitioner is an innocent and has not committed any offence as alleged by the prosecution. He further submits that the defacto complainant misappropriated the collection amount of A.K.Ram Chits to the tune of Rs.2,00,000/-. In this regard, the owner of the said company has lodged a complaint before the respondent police station, before whom, the defacto complainant has admitted and agreed to hand over the misappropriated money. Even then the defacto complainant avoided payment and therefore, the petitioner, who is an employee in A.K.Ram Chits, approached the defacto complainant and demanded the money. But, the present case has been falsely foisted as against him and therefore, he prays for grant of anticipatory bail.

4. Learned Government Advocate (Crl.side) appearing for the respondent police, on instructions, submits that the investigation is yet to be completed. He further submits that the petitioner is having five previous cases to his credit, of which, two are for the offence punishable under Section 307 IPC. The details of such cases are as follows:

i) Kovilpatti East Police Station, Cr.No.670/2018, u/s.75(1)(c) of TNCP Act.

ii) Kovilpatti East Police Station, Cr.No.411 of 2018, u/s.147, 148, 149, 294(b), 307 IPC @ 294(b), 307 IPC.

iii) Kovilpatti East Police Station, Cr.No.193 of 2018, u/s.294 (b), 323, 506(ii) IPC.

iv) Kovilpatti East Police Station, Cr.No.597 of 2017, u/s.279, 337 IPC.

v) Kovilpatti East Police Station, Cr.No.36 of 2017, u/s.147, 148, 149, 294(b), 323, 506(ii), 307 IPC.

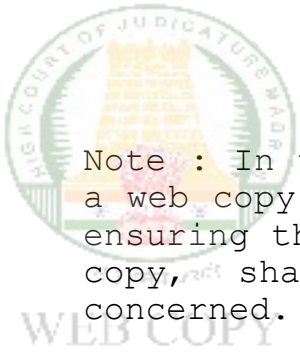
5. Considering the facts and circumstances of the case, the nature of allegation levelled against the petitioner and his antecedents, this Court is not inclined to grant anticipatory bail to the petitioner.

Accordingly, this criminal original petition stands dismissed.

Sd/-  
26/08/2021

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/ /2021  
Sub-Assistant Registrar (C.S.II)  
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,  
West Police Station,  
Thoothukudi District.
2. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

ORDER  
IN  
CRL OP(MD) No.12040 of 2021  
Date :26/08/2021

SP/JC/SAR II/07/09/2021/3P/3C