



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 26/10/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP (MD) . No.16336 of 2021

WEB COPY

C.Vijayachandran ... Petitioner/Accused Rank Not Known

Vs

The State Rep.by
The Inspector of Police,
Woraiyur Police Station,
Trichy District. ... Respondent/Complainant
(Crime No.848 of 2021)

For Petitioner : M/s.Anandkumar.N,
Advocate.

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

Intervener : Mr.P.Saravanan

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

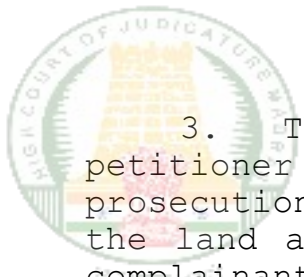
PRAYER :-

For Anticipatory bail in Crime No.848 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 offence punishable under Sections 294(b),
324 and 506(ii) IPC, in Crime No.848 of 2021, on the file of the
respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto
complainant's mother is residing at Pandamangalam and they are
having an own cemetery. The petitioner is owning adjacent plot and
he encroached the defacto complainant's cemetery area. When he
questioned the same, the petitioner quarrelled with him. Thereafter,
the defacto complainant put up a rope in the border of his land.
While so on 18.10.2021, when he went to his mother's house, he found
that the rope was moved. Therefore, the defacto complainant
attempted to erect fencing. At that time, the petitioner attacked
the defacto complainant with crow bar on his cheek and head and also
threatened with dire consequences.



3. The learned counsel for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution. In fact, the petitioner was constructing a house in the land assigned to his mother by the Government and the defacto complainant, who is the retired HOD, with his henchmen threatened the petitioner and damaged the foundation of the construction to the tune of Rs.1,50,000/-. When he questioned the same, the defacto complainant tried to attack the petitioner with crow bar, but, he accidentally fell down in the foundation pit and sustained injury on his head. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) submits that though the case has been registered under Sections 294(b), 324 and 506(ii) IPC, it has been altered to Sections 294(b), 307 and 506(ii) IPC, considering the gravity of injury. He further submits that the injured is still in hospital as in-patient.

5. Mr.P.Saravanan, learned counsel appearing for the defacto complainant sought permission of this Court and made his submission that the defacto complainant was assaulted with crow bar and the defacto complainant has sustained head injury and he is still having bleeding. He also requested this Court to permit him to file a scan report.

6. Considering the gravity of offence, weapon used and since the injured is still in hospital as in-patient, this Court is not inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the Criminal Original Petition is dismissed.

sd/-

26/10/2021

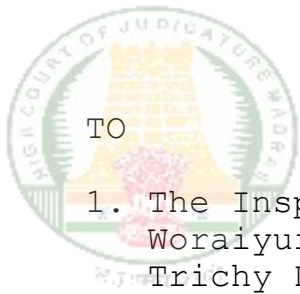
/ TRUE COPY /

/ /2021

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

OGY

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,
Woraiyur Police Station,
Trichy District.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.P.M.SARAVANAN, Advocate (SR-7450[I] dated 26/10/2021)

ORDER

IN

CRL OP(MD) No.16336 of 2021

Date :26/10/2021

RD/TR/SAR-III (11.11.2021) 3P 4C