



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 29/10/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD). No.16822 of 2021

WEB COPY

Jahir Hussain

... Petitioner/Accused

Vs

State Rep.by
The Inspector of Police,
Teppakulam Police Station,
Madurai City

... Respondent/Complainant

For Petitioner : M/s.S.M.A.Jinnah
Advocate.

For Respondent : Mr.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.490 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 at the hands of the respondent Police, for the offence punishable under Sections 294(b), 324 and 506(ii) IPC, in Cr.No.490 of 2021, on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is running a wooden shop at Ismailpuram. The petitioner is the elder brother of the defacto complainant. There was a dispute between them regarding the property partition. On 03.10.2021, at about 10.00 p.m., the petitioner was trying to break the defacto complainant's shop gate lock. At that time, the defacto complainant questioned the same. Thereafter, the petitioner picked up quarrel with the defacto complainant and abused him in filthy language and attacked him with stone on his head and threatened with dire consequences. Hence, the case.

3.The learned counsel for the petitioner submits that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. In order to covert the civil case into criminal case, this false complaint has been foisted against the petitioner. He further submits that this is the second anticipatory bail petition. The first anticipatory bail petition was dismissed



by this Court, vide order dated 08.10.2021 in Crl.O.P.(MD)No.15602 of 2021. Hence, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side) opposed for grant of anticipatory bail on the ground that the petitioner is having six previous cases. The first anticipatory bail petition was dismissed by this Court on that ground. The details of the previous cases are as follows:

(i) Cr.No.310/2016 - u/s. 109, 212, 302, 34, 341 and 342 IPC on the file of the Teppakulam Police Station.

(ii) Cr.No.356/2012 - u/s.294(b), 306, 406, 420 and 506(ii) IPC on the file of the Teppakulam Police Station.

(iii) Cr.No.396/2016 - u/s.147, 148, 323 and 506(ii) IPC on the file of the Teppakulam Police Station.

(iv) Cr.No.250/2008 - u/s.147, 148, 323, 427 and 506(ii) IPC, on the file of the Teppakulam Police Station.

(v) Cr.No.1527/2016 - u/s.294(b), 307, 341, 448 and 506(ii) IPC on the file of the Villakkuthoon Police Station.

(vi) Cr.No.917/2013 - u/s.380 and 454 IPC on the file of the Villakkuthoon Police Station.

5.Considering the nature of offence and the antecedents of the petitioner, this Court is not inclined to grant anticipatory bail to the petitioner.

6.In the result, the Criminal Original Petition is dismissed.

sd/-
29/10/2021

/ 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.



TO

1.The Inspector of Police,
Teppakulam Police Station,
Madurai City.

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

ORDER

IN

CRL OP(MD) No.16822 of 2021

Date :29/10/2021

RS/PN/SAR3 (15.11.2021) 3P 3C