



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

Date : 20/07/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.13084 of 2022

Venkateswararao Ganji

... Petitioner/Accused No.1

Vs

The State Rep. By,
The Sub Inspector of Police,
Thennilai Police Station,
Karur District.
(Crime No. 110 of 2022).

... Respondent/Complainant

For Petitioner : M/s.V.Kathirvelu, Seniour Counsel
for M/s. Anandharaj.R,
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. 110 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.1, apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 447, 294(b), 323 & 506(i) I.P.C and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.110 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as stated by the defacto complainant is that the son of the defacto complainant mortgaged the property and obtained loan from the Bank on 09.07.2022, at about 11.15 a.m, the accused person belong to the Bank trespassed into the land of the defacto complainant and made trouble and abused her in filthy language and also assaulted her and pulled her saree. Over which, present case has been registered against the petitioner and others.



3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. He further submitted that when the bank officials went to the mortgage property for taking possession, which order was passed by the Chief Judicial Magistrate, Karur, as per the SARFAESI proceedings, trouble arose between the defacto complainant and the accused persons. The defacto complainant party assaulted them and also tried to criminally intimidate. On the basis of the complaint given by the Chief Manager of the Bank, who is the petitioner herein, Crime No.108 of 2022 for the offences under Sections 147, 294(b), 323, 353 & 506(1) of IPC has been registered against the defacto complainant party on 09.07.2022, at about 06.00 p.m. As a counter blast only, this case has been registered after two days of occurrence i.e., on 12.07.2022.

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that it is a case and case in counter case. Counter case has also been registered against the defacto complainant party in Crime No.108 of 2022. No previous antecedent is reported against the petitioner.

5. Considering the facts and circumstances of the case and also considering the fact that it is a case and case in counter and no bad antecedent is reported against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this Criminal Original Petition is allowed and petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned District Munsif Cum Judicial Magistrate, Aravakurichi, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and since the petitioner being Bank Manager, he shall appear before the respondent police as and when required for interrogation. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
20/07/2022

/ TRUE COPY /

/07/2022

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, 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.

WEB COPY

TO

1. THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
ARAVAKURICHI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
3. THE SUB INSPECTOR OF POLICE,
THENNILAI POLICE STATION,
KARUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.ANANDHARAJ, Advocate (SR-7397[I] dated 21/07/2022)

ORDER

IN

CRL OP(MD) No.13084 of 2022

Date :20/07/2022

dss

USK/SVR/SAR-I/29.07.2022/3P/6C