



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

Date : 14/09/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD).No.15329 of 2022

P.Thiruthamilarasu

... Petitioner/Sole Accused

Vs

The State represented by
The Sub-Inspector of Police,
ST Kulam,
Kanyakumari District.
in Crime No.135 of 2022.

... Respondent/Complainant

For Petitioner : M/s.B.Vinothbalan
Advocate.

For Respondent : Mr.M.Vaikkam Karunanithi
Government Advocate (Crl.Side)

For Intervenor : M/s.N.Dilip Kumar, Advocate

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

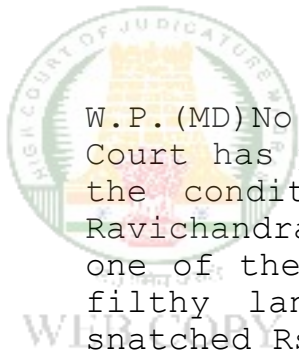
PRAYER :-

For Anticipatory Bail in Crime No.135 of 2022 on the file of
the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ Accused Rank not known, who apprehends arrest
at the hands of the respondent police for the offences punishable
under Sections 294(b), 323, 506(i) and 379 of IPC, in Crime No.135
of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner availed a
loan from the Tamil Nadu mercantile Bank, Rajakamangalam Branch with
collateral security of two properties. Since the petitioner failed
to repay the same, the Bank filed a case before the Chief Judicial
Magistrate, Nagercoil in Cr.M.P.No.2291 of 2020, for physical
possession and an conditional order was passed in favour of the
Bank. In the meanwhile, the petitioner has trespassed into the
property and broke open the gate of the property which was in the
possession of the bank. Hence,a complaint has been filed before the
Thenthamaraikulam police station in CSR No.293 of 2022 and a case in



W.P.(MD)No.15593 of 2022 has been filed before this Court. The Court has passed an conditional order. The petitioner has complied the condition and hence the defacto complainant herein and one Ravichandran went to the petitioner's house to hand over the key of one of the property. At that time, the petitioner scolded them in filthy language and threatened them with dire consequences and snatched Rs.5,200/-. Hence the complaint.

3.The learned counsel for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution. He has been falsely implicated in this case. It was the defacto complainant who quarrelled with the petitioner and gave a false complaint and pray the petitioner to be released on anticipatory bail.

4.The learned Government Advocate(Crl.side) submitted that the accused has attacked the defacto complainant and snatched money from him. The petitioner is having one previous case of similar nature and pray the petition to be dismissed.

5.Considering the facts and circumstances of this case, considering the nature of the offence this Court is not inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this Criminal Original petition is dismissed.

sd/-

14/09/2022

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/09/2022

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

TO

1. THE SUB INSPECTOR OF POLICE,
ST KULAM,
KANYAKUMARI DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.15329 of 2022

Date :14/09/2022

pnn

USK/VR/SAR-II/19.09.2022/2P/3C