



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/04/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.19525 of 2021

Chinnathambi ... Petitioner/Sole Accused

Vs.

1 State represented through
The Inspector of Police,
Kadamalaikundu Police Station,
Theni District.
Crime No.486 of 2021. ... Respondent/Complainant

2 Devi ... 2nd Respondent

(R2 *suo motu* impleaded as per order of
this Court in Crl.OP(MD)No.19525/2021,
dated 20.12.2021)

For Petitioner : Mr.C.Suresh Kannan,
Advocate.
For 1st Respondent : Mr.R.Sivakumar,
Government Advocate (Criminal Side)
For 2nd Respondent : Mr.I.Pinayagosh,
Legal Aid Counsel.

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

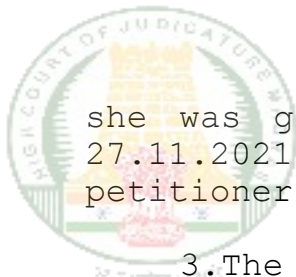
PRAYER :-

For Anticipatory Bail in Crime No.486/2021 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of
the respondent police for the offence punishable under Sections 354
(B) and 323 of IPC, in Crime No.486 of 2021, seeks anticipatory
bail.

2.The case of the prosecution is that there was a pathway
dispute between the petitioner and the defacto complainant, due to
which, the petitioner misbehaved with the defacto complainant when
<https://hcservices.courts.gov.in/hcservices/>



she was grazing her cow and thrown the stones in her house. On 27.11.2021, when the defacto complainant went out of her house, the petitioner herein tried to rape her. the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that since there existed pathway dispute between the parties and that the false case been registered against the petitioner.

4.The learned counsel for the intervenor would submit that the petitioner herein was also involved in similar incident and for that FIR came to be registered in Crime No.177 of 2016, for the offence under Section 352 IPC and now the case is pending in C.C.No.70 of 2019 on the file of the Judicial Magistrate, Aundipatti.

5.The learned Additional Public Prosecutor appearing for the State would submit that the earlier case was registered for the offence under Section 352 IPC and Section 4 of TNPHW Act and the present FIR came to be registered for the offence under Section 354 (B) and 323 IPC.

6.Considering the seriousness and gravity of the offence alleged and also the fact that the previous case as against the petitioner is pending, this Court is not inclined to grant anticipatory bail to the petitioner.

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

sd/-

05/04/2022

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/ /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 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,
Kadamalaikundu Police Station,
Theni District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN
CRL OP(MD) No.19525 of 2021
Date :05/04/2022

RS/VR/SAR.4 (12.04.2022) 3P-3C