



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

Date : 28/04/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.8255 of 2023

Periyapandi

... Petitioner/Accused No.2

Vs

The State rep. by
The Sub Inspector of Police,
Vadipatti Police Station,
Vadipatti,
Madurai District.
Crime No.4/2023.

... Respondent/Complainant

For Petitioner : M/s K.Mathan,
Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.4/2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294, 448, 354 and 306 of I.P.C., in Crime No.4 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the de-facto complainant Nagajothi is that there was a civil dispute between her and the accused. Her minor daughter was studying 10th standard and on the way to school, the petitioner teased her and harassed her and on 13.12.2022 at 06.00 p.m., the accused had trespassed into the house of the de-facto complainant and abused them with filthy language and had assaulted them and the petitioner had lifted his lungi and exposed his private parts to her. Hence, the case.

3.Heard. Perused the materials available on record including the First Information Report.



4.A perusal of the statement recorded under Section 161 of Cr.P.C. from the victim girl revealed that the petitioner trespassed into the house of the de-facto complainant and scolded her in filthy language and also indiscriminately assaulted her and lifted his lungi and exposed his private parts to her and also attempted to misbehave with the victim girl. Therefore, this Court had already dismissed the application for anticipatory bail in Crl.O.P.(MD) No.1066 of 2023 on 20.01.2023. Again, the petitioner had filed another anticipatory bail application before this Court and the same was also dismissed on 15.03.2023. There is absolutely no change in circumstances of the case, even then, the petitioner without surrender, keep on filing the petition for anticipatory bail. Since the custodial interrogation of the petitioner is very much required in this case, this Court is not inclined to grant anticipatory bail to the petitioner.

5.In view of the same, this criminal original petition stands dismissed with costs. **The Petitioner is directed to pay a sum of Rs.5,000/- (Rupees Five thousand only) as costs to the legal services authority attached to this Bench.**

sd/-
28/04/2023

/ TRUE COPY /

/05/2023

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

SJI

TO

1. The Sub Inspector of Police,
Vadipatti Police Station,
Vadipatti,
Madurai District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to
The Officer In-Charge,
Legal Services Authority,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN

CRL OP(MD) No.8255 of 2023
Date : 28/04/2023

NA/MMS/SAR-2/17.05.2023/2P/4C

<https://www.mhc.tn.gov.in/judis>