



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

Date : 04/07/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGOVAN

CRL OP(MD). No.12104 of 2023

G.Jegadheesh,

... Petitioner/Accused No.1

Vs

The State, through
The Inspector of Police,
Thiruvegampet Police Station,
Sivagangai District.
(Crime No.51 of 2023).

... Respondent/Complainant

For Petitioner : S.MALAIKANI,
Advocate.

For Respondent : S.MANIKANDAN,
Government Advocate (Crl.Side)

For Intervenor : Mr.G.PRABHU RAJADURAI,
Advocate.

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

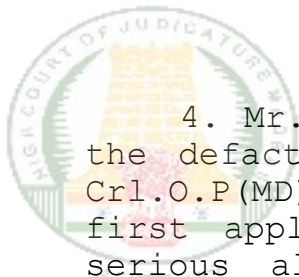
PRAYER :- For Anticipatory Bail in Crime No.51 of 2023 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/Accused No.1, apprehending arrest at the hands of the respondent Police for the alleged offence punishable under Sections 147, 148, 294(b), 323, 427 and 506(ii) I.P.C, in Crime No.51 of 2023 on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that there was verbal argument between the petitioner and one Parameswaran, who is the relative of the defacto complainant. Due to the above said enmity, on 30.04.2023, when the defacto complainant and his family members were in his house, the petitioner along with second accused and some others went to the house of the defacto complainant, attacked them and damaged the house and two wheeler of the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioner submitted that anticipatory bail granted to the petitioner's father and in so far as the petitioner is concerned, it was dismissed on 11.05.2023. The earlier anticipatory bail application filed by this petitioner was also dismissed on 08.06.2023.



4. Mr.G.Prabhu Rajadurai, learned counsel appeared on behalf of the defacto complainant and he has filed intervening petition in Crl.O.P(MD) No.8617 of 2023, which is the first application. The first application was dismissed, considering the fact that very serious allegation is made against the petitioner. The second anticipatory bail application was dismissed on the ground that 30 people came in two wheeler and trespassed into the defacto complainant's house, caused damaged to the defacto complainant's properties extensively.

5. The learned counsel for the petitioner further submit that no one got injured in the above said occurrence. Due to enmity between the neighbours, false case has been foisted against this petitioner and absolutely there is no such assault or damage.

6. However, the learned counsel for the intervenor would submit that the enmity occurred over removal of encroachment made by the wife of the defacto complainant's brother. In the present occurrence, assault made against the children also. Because of the above said occurrence, they are scaring even to come out of the house.

7. Considering the fact that 30 persons, who are youngsters, trespassed and caused damage to the defacto complainant's house and assaulted the defacto complainant and his family members, I find no change of circumstances in this case. This Court is not inclined to grant anticipatory bail to the petitioner. Hence, this anticipatory bail petition deserves dismissal and accordingly dismissed.

sd/-

04/07/2023

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/07/2023

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

INDU

TO

1 THE INSPECTOR OF POLICE,
THIRUVEGAMPET POLICE STATION, SIVAGANGAI DISTRICT.

2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL OP(MD) No.12104 of 2023

Date :04/07/2023

SA/SAR. /08.07.2023/2P/3C