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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/01/2023

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD). No.21931 of 2022

Renold Dickson ... Petitioner/ Sole Accused

Vs

1.The State Rep.by
The Inspector of Police,
Kadaiyalumoodu Police Station,
Kanyakumari District
(Crime No.41 of 2022).

... Respondent/Complainant

2.Sandhya ... Petitioner / Intervenor
in Crl.M.P(MD)No.16494 of 2022
in CRL OP(MD). No.21931 of 2022

For Petitioner : M/s.Narayanakumar K P,
Advocate.

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

For Intervenor : Mr.S.Sivakumar

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

PRAYER :-

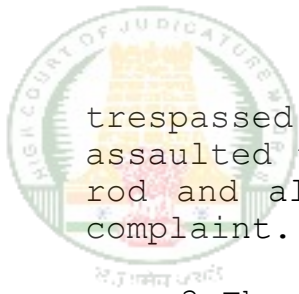
For Anticipatory Bail in Crime No.41 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 452, 294(b), 324, 326, 506(ii) and 379 of I.P.C. and Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, 2002, in Crime No.41 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is the wife of the petitioner. Due to matrimonial dispute between the petitioner and the respondent, on 20.10.2022, the petitioner along with six others

<https://www.hc.madras.gov.in/judis>



trespassed into her uncle's house, abused her in filthy, assaulted the de-facto complainant and her cousin brother with iron rod and also snatched her 8 sovereigns of gold chain. Hence, the complaint.

3.The learned counsel for the petitioner would submit that this is the second application for anticipatory bail and the earlier application was dismissed by this Court in Crl.O.P.(MD)No.20722 of 2022, dated 23.11.2022 on the ground that the investigation is not yet completed. He would further submit that the change of circumstances remain that now the respondent has completed the investigation and filed a final report and they have also deleted the offence under Section 379 IPC and thereby, he would seek for anticipatory bail.

4.The learned Government Advocate (Crl. side) would that though the respondent has deleted the offence under Section 379 IPC, it is a case where the petitioner has brutally assaulted the de-facto complainant and her cousin with iron rod, due to which, they have sustained grievous injury. He would further submit that the injured has been treated as inpatient for a period of two days. Hence, he opposed to grant anticipatory bail.

5.The learned counsel for the intervenor would submit that the petitioner has acted with such a brutality and he has assaulted the de-facto complainant and her cousin with iron rod, due to which, the cousin Subash has lost ten teeth and after being discharged from the Government hospital, he was admitted in the private hospital for treatment. He would further submit that the chain is yet to be recovered. Hence, he opposed to grant anticipatory bail.

6.Considering the facts and circumstances of the case and also considering the fact that the allegations against the petitioner are very serious in nature, this Court is not inclined to grant anticipatory bail to the petitioner.

7.Accordingly, this Criminal Original Petition is dismissed.

sd/-

25/01/2023

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/ 02/2023

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

SJI



TO

1. The Inspector of Police,
Kadaiyalumoodu Police Station,
Kanyakumari District.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP (MD) No.21931 of 2022

Date :25/01/2023

RD(03/02/2023) 3P 3C