



CRL OP(MD). No.8652 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/06/2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.8652 of 2024

and

CRL MP(MD). No.6192 of 2024

1. Prabhu

2. Nagavalli

3. Balakrishnan

... Petitioners/ Accused 1 to 3

Vs

The State represented by
The Inspector of Police,
Nainarkoil Police Station,
Ramanathapuram District
Crime No.81/2024.

... Respondent/Complainant

For Petitioners : M/s.SUKUMAR.P.A,

For Respondent : Mr.B.THANGA ARAVINDH,
Government Advocate (Crl.Side)

For Intervenor : M/s.M.NIVEDHITHA, Advocate

<https://www.mhc.tn.gov.in/judis> PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C



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PRAYER :- For Anticipatory Bail in Crime No.81/2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, apprehending arrest at the hands of the respondent Police, in connection with a case in Crime No.81 of 2024, for the offence punishable under Sections 341, 294(b), 323, 324, 506(ii) and 427 IPC, have filed this petition seeking anticipatory bail.

2.The case of the prosecution is that due to previous enmity, on 05.05.2024, the accused have waylaid the defacto complainant, demanded a sum of Rs.8,00,000/- from him, threatened him with dire consequences. On fear, the defacto complainant has also given a cheque for Rs.5,00,000/- to them. Hence the case.

3.The learned counsel appearing for the petitioners submits that the defacto complainant has borrowed a sum of Rs.8,00,000/- from the petitioners. In discharge of the same, he has parted with a cheque to the tune of Rs.5,00,000/-. In order to get back the cheque given by him, he has foisted the case against the petitioners. He further submits that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioners.



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4.The learned Government Advocate (Crl.Side) appearing for the respondent Police raised serious objections for granting anticipatory bail and submitted that the defacto complainant has sustained grievous injury and he has suffered fracture in his left shoulder.

5.Ms.Nivedhitha, learned Counsel appearing for the intervenor represents that an impleading petition has been filed on behalf of the defacto complainant and submits that the defacto complainant has borrowed a sum of Rs.5,00,000/- from the first accused and has repaid more than a sum of Rs.7,00,000/-. Even thereafter, when the defacto complainant has come to his native village for attending temple festival, the accused have assaulted him inside the temple and demanded to return the principal amount. According to the defacto complainant, he has sustained several injuries and has suffered fracture on his left shoulder. Apart from that, the defacto complainant's vehicle was also damaged by the accused to the tune of Rs.75,000/-. She further submits that immediately after the occurrence, the defacto complainant was taken to a private hospital namely, Aasi Hospital, Ramanathapuram and thereafter, he lodged this complaint on 06.05.2024.

6.Though the petitioner has suffered serious injury and that too, a fracture, the respondent police has treated the complaint only as petition enquiry in C.S.R.No.183 of 2024 and has registered the case only on 07.05.2024, i.e., after two days of the



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occurrence. It appears that the respondent police has acted in a biased manner that too, in favour of the accused. The respondent police is not expected to consider this nature of offences as petition enquiry.

7.The case was registered only on 07.05.2024. By that time, the petitioner has taken MRI Scan in the private hospital and he is also having a record that he has suffered a fracture. Even then, the case was registered under Sections 341, 294(b), 323, 324, 506(ii) and 427 IPC, which enable the petitioners to get the anticipatory bail from the Court.

8.Considering the rival submissions, this Court feels that the respondent police has not even taken any step to alter the offence, which needs to be addressed by the Superintendent of Police, Ramanathapuram District. Therefore, the Superintendent of Police, Ramanathapuram District, is directed to withdraw the case from the file of the respondent police and entrust the same to some other investigation officer. The Superintendent of Police, Ramanathapuram District, is also expected to take appropriate action as against the concerned officer, who has treated the complaint in C.S.R. No.183 of 2024 and the manner in which, the respondent police herein has conducted the investigation that too, without altering the offences, even after having a proof for the nature of injury sustained by the defacto complainant.

9. Considering the nature of injury, this Court is not inclined to grant any relief



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to the petitioners. Accordingly, this Criminal Original Petition is dismissed.

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Consequently, the connected miscellaneous petition is closed.

sd/-
20/06/2024

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/06/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

LR
TO
1 THE INSPECTOR OF POLICE,
NAINARKOIL POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

COPY TO:
THE SUPERINTENDENT OF POLICE,
RAMANATHAPURAM.

+1 CC to M/s.M.NIVETHITHA, Advocate (SR-6907[I] dated 25/06/2024)

ORDER
IN
CRL OP(MD) No.8652 of 2024
Date :20/06/2024

SA/VR/SAR. /27.06.2024/5P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.