



CRL OP(MD). No.12358 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07.07.2023

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.12358 of 2023

Esakkimuthu @ Raja,

... Petitioner/ Accused Rank not known

Vs

The State, represented by
The Inspector of Police,
Alwarkurichi Police Station,
Tenkasi District.
(Crime No.100 of 2023).

... Respondent/ Complainant

For Petitioner : Mr.Narayanakumar.KP, Advocate.

For Respondent : Mr.B.Nambiselvan,

Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.100 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/ Accused rank not known, apprehending arrest at the hands of

the respondent police for the alleged offence punishable under Sections 435 of IPC @

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



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435 and 153(A) of IPC, in Crime No.100 of 2023 on the file of the respondent Police, seeks anticipatory bail.

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2. The case of the prosecution is that the defacto complainant lodged a complaint stating that on 11.05.2023 at about 10.00 a.m., the defacto complainant's party flag was hoisted near community hall, Middle Street, Vahaikulam. On 12.05.2023, the above said flag was found damaged and the foundation stone was also broken. On the basis of the above said offence, already case has been registered. During the pendency of enquiry, some unknown person set fire to the two wheeler belongs to the defacto complainant's brother. Hence, this complaint has been registered.

3. The learned counsel for the petitioner submitted that petitioner is innocent and he has been falsely implicated in this case. Even though the petitioner is not involved in the above said occurrence, but it is seen that it is the continuous of the occurrence said to have taken place in Crime No.93 of 2023.

4. The learned Additional Public Prosecutor for the respondent Police submitted that even though in Crime No.93 of 2023, this petitioner has granted anticipatory bail, so far this case is concerned, it is the serious offence of setting fire to two wheeler. Hence, he vehemently objected to grant anticipatory bail to the petitioner.



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5. Considering the facts and circumstance of this case, considering the gravity of offence and bad antecedents of the petitioner, this Court is not inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed.

sd/-
07/07/2023
/ TRUE COPY /

/07/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU
TO

- 1 THE INSPECTOR OF POLICE
ALWARKURUCHI POLICE STATION,
TENKASI DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.P.NARAYANAKUMAR, Advocate (SR-10441[I] dated 10/07/2023)

ORDER
IN
CRL OP(MD) No.12358 of 2023
Date :07/07/2023

PKP/MMS/SAR- /25.07.2023/ 3P/4C

Madurai Bench of Madras High Court is issuing certified
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