



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

Wednesday, the Twenty Fifth day of February Two Thousand Fifteen
PRESENT

The Hon`ble Mr.Justice P.N.PRAKASH

CRL OP(MD) No.2653 of 2015

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MOHAN

... PETITIONER/ACCUSED No.2

Vs

STATE.REP.BY

THE INSPECTOR OF POLICE

SRIVILLIPUTHUR TOWN POLICE STATION,

VIRUDHUNAGAR.

(IN CR.NO.258 OF 2014)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.AJMAL ASSOCIATES Advocate

For Respondent : MR.A.P.BALASUBRAMANIAN, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.
ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 21.12.2014 for the alleged offences punishable under Section 394 IPC @ Sections 450 and 394 IPC in Crime No.258 of 2014 on the file of the respondent police, seeks anticipatory bail.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the State.

3. The case of the prosecution is that on 13.05.2014, when the defacto complainant, who is a 75 years old lady, was sleeping in her house, she heard some noise in the house and when she got up, she was suddenly pushed by a person, as a result of which, she fell down and swooned. When she got up in the morning, she was shocked to know that some burglars have entered into her house and stolen her gold jewellery and cash of Rs.10,000/- kept in the bureau. She also suffered serious injuries on her face and body. Based on the complaint, a case in Crime No.258 of 2014 under Section 394 IPC was registered.

4. During the course of investigation, it came to light that this petitioner and one Sundarrajan had stealthily entered into the house of the defacto complainant and committed the offence.



5. Learned counsel for the petitioner submitted that the defacto complainant had only stated about one person and she has not stated about the presence of two persons in her house.

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6. It should be borne in mind that the defacto complainant is a 75 year old lady and in the middle of the night, when she saw the accused, she was pushed by one of the persons and on account of the injuries suffered by her, she fainted. Only after the arrest of Sundarrajan, the involvement of this petitioner came to light.

7. Taking into consideration the manner in which the offence has been committed, this Court is not inclined to grant bail to this petitioner. Hence, the Criminal Original Petition is dismissed.

sd/-
25/02/2015

/ TRUE COPY /

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

TO

1 THE INSPECTOR OF POLICE
SRIVILLIPUTHUR TOWN POLICE STATION,
VIRUDHUNAGAR.

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

+1. CC to M/S.AJMAL ASSOCIATES Advocate SR.No.8938

ORDER
IN
CRL OP(MD) No.2653 of 2015
Date :25/02/2015

PA/26.02.15/2P/4C