



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

Monday, the Thirteenth day of June Two Thousand Sixteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.8857, 8858 & 8860 of 2016

K.PRABAKARAN ... PETITIONER / ACCUSED
IN CRL OP(MD) NO.8857/2016
N.SATHYAMURTHY ... PETITIONER / ACCUSED
IN CRL OP(MD) NO.8858/2016
C.RAGHUPATHY ... PETITIONER / ACCUSED
IN CRL OP(MD) NO.8860/2016
Vs

THE STATE REP.BY ITS
THE INSPECTOR OF POLICE
OORAIYUR POLICE STATION,
TRICHY DISTRICT
CRIME NO.785/2015

... RESPONDENT / COMPLAINANT
IN ALL THE PETITIONS

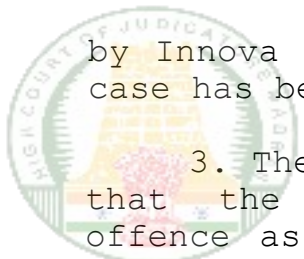
For Petitioner : M/S S.RADHAKRISHNAN ADVOCATE IN ALL THE PETITIONS
For Respondent : MR.K.ANBARASAN Govt. Advocate (Crl. Side)
IN ALL THE PETITIONS
For Intervener : MR.K.SIVABALAN, ADVOCATE IN ALL THE PETITIONS

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147,452,323,363,380(NP) of IPC, in Crime No.785 of 2015 on the file of the respondent police and hence, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the money lender. One Madasamy borrowed a sum of Rs.10,00,000/- from the defacto complainant and subsequently, he did not repay the same. While so, one Sahadevan came to the house of the defacto complainant and threatened the defacto complainant to receive a sum of Rs.5,00,000/- and return all the documents executed by Madasamy, but, the defacto complainant refused to do so. On 20.12.2015, at about 8.45 pm, 7 persons trespassed into the house of the defacto complainant house and threatened him with dire consequences, at knife point. They took the jewels and amount kept in the locker and kidnapped the defacto complainant and his wife and his brother



by Innova Car. The defacto complainant escaped and on complaint a case has been registered against the petitioners.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case. He further submitted that their names are not found in the FIR. Only based on the confession of A1, petitioners name have been falsely implicated in this case and there is no specific overtact attributed against the petitioners. He further contended that the petitioners are belonged to Tamil Nadu Thesiya Iyakkam and prayed for granting anticipatory bail in favour of the petitioners.

4. The learned counsel for the intervenor reiterated the averments made in the complaint and submitted that the Jewels, cash and other documents were robbed by petitioners and the same is yet to be recovered. Further, the petitioners filed CrI.O.P(MD). No.5505 of 2016 and the same has been dismissed as withdrawn and suppressing this fact, the petitioners have come out with the present petitions.

5. The learned Government Advocate (CrI.Side) submitted that the petitioners are A4 to A6. He further submitted that the petitioner/ A4 in CrI.O.P(MD).No.8858 of 2016 is having 12 previous cases and the petitioners and other accused robbed the jewels in the knife point and the investigation of the case is pending and the jewels are yet to be recovered. He further contended that if the petitioners are granted anticipatory bail they will abscond and indulge in similar activities and prayed for dismissal of these petitions.

6. The learned counsel for the petitioners submitted that the petitioner in CrI.O.P(MD).No.8858 of 2016 is having only 2 previous cases.

7.Considering the serious nature of allegations levelled against the petitioners and the jewels are yet to be recovered, this Court is not inclined to grant anticipatory bail to the petitioners.

Accordingly, the Criminal Original Petition is dismissed.

sd/-
13/06/2016

/ TRUE COPY /

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



TRP
TO

1 THE INSPECTOR OF POLICE
OORAIYUR POLICE STATION, TRICHY DISTRICT.

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

+1. CC to M/S S.RADHAKRISHNAN Advocate SR.No.29749

GJM/GSV/PM/SAR-III-20.6.16-3P-4C

ORDER

IN

CRL OP (MD) No.8857, 8858 &
8860 of 2016

Date :13/06/2016