



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

Friday, the Twenty Third day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.2942 of 2018

R.SURESH,

... PETITIONER/ACCUSED NO.2

Vs

THE STATE, REP.BY
THE INSPECTOR OF POLICE,
KARUNGAL POLICE STATION,
KANYAKUMARI DISTRICT

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.K.RAJESHWARAN Advocate

For Respondent : MR.A.ROBINSON Government Advocate (Crl. Side)

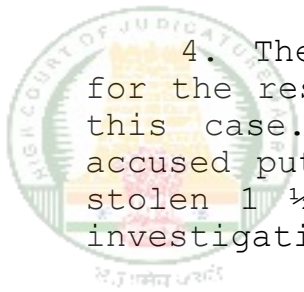
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/Accused No.2, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 147, 457, 380, 427 and 435 of IPC., in Crime No.35 of 2018, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant's husband is working in abroad and she is living with her two children and already there is a property dispute between herself and A1. Due to the previous enmity, on the date of occurrence, when she went to attend the temple festival, at the instigation of A1, this petitioner joined with other accused entered into her house, after break open the lock and destroyed the certificates, electronic apparels and all valuable documents, which was kept in the bureau. Hence, the case has been registered against the petitioner and other accused for the above said incident.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that there is no previous enmity between the petitioner and the defacto complainant. Further, based on the confession of A1 alone, this petitioner has been implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that totally 5 accused are involved in this case. He further submitted that this petitioner and other accused put fire to the school certificates and documents and also stolen 1 ½ gram gold ornament. According to the prosecution, the investigation is still pending.

5. The submissions made by the learned counsels appearing for either side are considered. It is alleged that during the time of occurrence, the petitioner and four other accused committed the mischief by which they put up fire in the title documents as well as in the school certificates. Moreover, this petitioner is not having any previous enmity with the defacto complainant. Only at the instigation of the first accused, namely, Sridharan, the petitioner has committed the offence. So, this Court came to the conclusion that if these type of petitioners are released on bail, there may be a chance of tampering the witness and hampering the investigation. Hence, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

sd/-
23/02/2018

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

PJL
TO

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

GJM/CSL/SAR-3-9.3.18-2P-3C

ORDER
IN
CRL OP (MD) No.2942 of 2018
Date :23/02/2018