



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

Tuesday, the Thirteenth day of March Two Thousand and Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.3912 of 2018

KALAIYARASAN

... PETITIONER / ACCUSED No.4

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
KARIYAPPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
(CRIME NO.46/2018).

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.P.MANOKARAN Advocate

For Respondent : Mr.A.ROBINSON, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner/Accused No.4, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 397 of IPC., in Crime No.46 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that on 17.02.2018, at 3.30 p.m., when the defacto complainant standing near the Ayyappan temple at J.J.Colony, Kariyappatti, the accused Nos.1 and 2 abused the defacto complainant by using filthy language, thereby, the defacto complainant lodged a complaint before the respondent police and the same was registered due to which, on the same day at 11.00 p.m., when the defacto complainant return in his bike, the accused Nos.1 to 6 waylaid the defacto complainant, damaged the defacto complainant's bike by using steel pipe and also assaulted the defacto complainant. At that time, A1 assaulted the defacto complainant by using knife and A5 stolen money from his shirt pocket. Hence, the case has been registered against the accused persons for the above said incident.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that the investigation is still pending.



5. The submissions made by the learned counsels appearing for either side are considered. It is alleged that on 17.02.2018, the petitioner and other accused in this case waylaid the defacto complainant and committed the offence of robbery. During the course of transaction, the petitioner herein caught hold the defacto complainant. Eventhough, the other petitioners are released on bail, they are released only after made interrogation. Accordingly, considering the role played by the petitioner in the alleged offence and also considering the gravity of offence committed by the petitioner, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

sd/-
13/03/2018

/ TRUE COPY /

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

TO

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

+1. CC to M/S.P.MANOKARAN Advocate SR.No.4146.

ORDER
IN
CRL OP(MD) No.3912 of 2018
Date :13/03/2018

SDS/MM:PN/SAR.1/27.03.2018/2P/4C