



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

Wednesday, the Seventeenth day of January Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.460 of 2018

JEYARAJ

... PETITIONER/ACCUSED RANK NOT KNOWN

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE
VADASERI POLICE STATION,
KANYAKUMARI DISTRICT,
(CRIME NO. 672/2017)

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.C.SUSIKUMAR Advocate

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

For Intervenor : MR.R.MANIMARAN, Advocate in CRL MP(MD)No.354/18

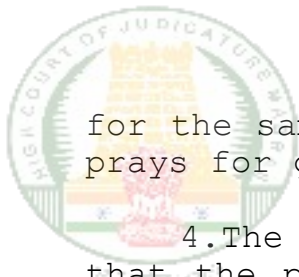
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/Accused, apprehends arrest at the hands of the respondent police for the offence punishable under Section 147, 148, 294(b), 323 and 506(ii) of IPC., in Crime No.672 of 2017, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 11.11.2017, while the defacto complainant was travelling in a car, a two-wheeler dashed on the back side of the car. Due to the said accident the rear side of the car was damaged due to which a wordy quarrel arose between the defacto complainant and the two-wheeler rider. At that time, the petitioner and 10 other persons restrained the defacto complainant, assaulted him by using stick, caused injuries, thereby taken a gold chain weighing about 4 sovereigns and a cell phone worth about Rs.11,000/- from the defacto complainant. 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 innocent and he has been falsely implicated in this case. He further submitted that already a case has been registered against the defacto complainant in Crime No.671 of 2017



for the same incident. This is a case of case in counter. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) submitted that the petitioner along with other accused assaulted the defacto complainant using stick and caused severe head injury. He further submitted that the injured was absconded from the hospital and the investigation is still pending.

5. The submissions made by the learned counsel appearing on either side are considered. Eventhough the offence under Sections 147, 148, 294(b), 323 and 506(ii) of IPC., has been registered against the petitioner and other accused persons, on going through the averments made in the first information report, it seems that during the time of alleged occurrence, a gold chain weighing about 4 sovereigns and a cell phone worth about Rs.11,000/- were taken away from the defacto complainant by the accused persons. With regard to these allegations, custodial interrogation is necessary. Hence, without made recovery, the investigation cannot be completed in these type of cases. Therefore, this Court is not inclined to grant anticipatory bail to the petitioner. In the result, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

sd/-

17/01/2018

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

TO

1 THE INSPECTOR OF POLICE
VADASERI POLICE STATION,
KANYAKUMARI DISTRICT

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

+1. CC to M/S.M.SUBASH BABU Advocate SR.No.845

+1 cc to MR.R.MANIMARAN, Advocate SR.No.822

ORDER

IN

CRL OP (MD) No.460 of 2018

Date :17/01/2018

SMA/RR/SAR-2/05.02.2018:2P/5c