



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

Wednesday, the Seventeenth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.761 of 2018

K.ARUNKUMAR

... PETITIONER / ACCUSED No.1

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
DEVAKOTTAI TOWN POLICE STATION,
IN CR.NO.516 OF 2017.

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.A.MURALIKUMAR Advocate

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

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

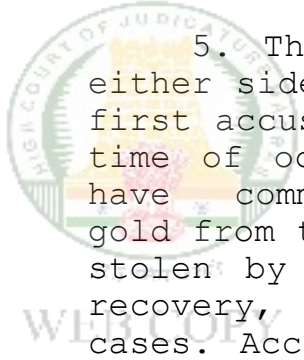
ORDER : The Court Made the following order :-

The petitioner/Accused No.1, apprehends arrest at the hands of the respondent police for the offence punishable under Section 147, 148, 324 and 379 (NH) of IPC., in Crime No.516 of 2017, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that while the defacto complainant went to Devakottai Town, the petitioner along with other accused person waylaid the defacto complainant, assaulted him by using wooden log, caused severe injuries, and snatched his cell phone. Hence, the case has been registered against the petitioner and other accused person for the above said incident.

3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent and he did not commit any offence as alleged by the prosecution. He further submitted that the petitioner has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Criminal Side) submitted that the petitioner and 20 un-named accused assaulted the defacto complainant by using wooden log, caused severe injuries to him, thereby taken away a sum of Rs.1,53,000/- and a gold chain worth about 2 sovereigns. He further submitted that the properties were not recovered from the accused and the investigation is still pending.



5. The submissions made by the learned counsel appearing on either side are considered. The petitioner herein is arrayed as the first accused in the alleged offence. It is alleged that during the time of occurrence, the petitioner and other 20 un-named accused have committed the theft of Rs.1,53,000/- and two sovereigns of gold from the defacto complainant. So far, the properties which were stolen by the petitioner are not recovered. Hence, without made recovery, the investigation cannot be completed in these type of cases. Accordingly, considering the above facts and circumstances, this Court is not inclined to grant anticipatory bail to the petitioner. Hence, this Criminal Original Petition is dismissed.

sd/-
17/01/2018

/ TRUE COPY /

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

TO

- 1 THE INSPECTOR OF POLICE,
DEVAKOTTAI TOWN POLICE STATION, SIVAGANGAI
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

PJL
JAM/05/02/2018/PM-PN/ SAR 1 / 2P-3C

ORDER
IN
CRL OP(MD) No.761 of 2018
Date :17/01/2018