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

Date : 05/08/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP (MD) . No.5729 of 2022

Muthuraja

... Petitioner/Accused
Rank Not Known

Vs

State rep.by
The Inspector of Police,
Thalayuthu Police Station,
Tirunelveli District.
(Crime No.228/2021).

... Respondent/Complainant

For Petitioner : M/s.Angusamy V, Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory bail in Crime No.228 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 354 and 380 IPC in Crime No.228 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant lodged a complaint stating that he is a tenant under one Venkatesh and on 15.07.2021 at about 10.00 a.m., he left the house for his job and returned to the house at about 05.00 p.m., at that time, he found that the house was broke open and the jewelry and other things behind the photos, were missing. So, on the basis of the above said occurrence, the present case has been registered.

3.During the course of investigation and the co-accused's statement to the effect that the petitioner and his friend visited the de-facto complainant's house, knowing about the said jewels kept behind the photos had committed theft.



4.The learned counsel for the petitioner submitted that the petitioner got married with the daughter of one Karuppaiah. The said Karuppaiah has lodged a complaint stating that the petitioner kidnapped his daughter. After investigation, the complaint was also closed. Only on the basis of the confession statement, he has been implicated in this case.

5.The learned Government Advocate (Crl. side) submits that only a portion of the jewel and money has been recovered and balance is not yet recovered.

6.Taking into consideration the facts and circumstances of the case and also the fact that only a portion of the jewel and money has been recovered and balance is not yet recovered, this Court is not inclined to grant anticipatory bail to the petitioner. The petitioner has to surrender before the respondent police seeks regular bail.

7.Accordingly, this petition is dismissed.

Sd/-

05/08/2022

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/08/2022

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

SJI

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE INSPECTOR OF POLICE,
THALAYUTHU POLICE STATION,
TIRUNELVELI DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.5729 of 2022

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