



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 21/07/2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.11475 of 2022

1. Prabakaran
2. Selvam

... Petitioners/Accused No.1 & 2

Vs

The State rep.by
The Inspector of Police,
Thottiyam Police Station,
Trichirappalli District.
Cr.No.127/2022.

... Respondent/Complainant

For Petitioners: M/s.SUDHAGAR NAGARAJ.N,
Advocate.

For Respondent : Mr.B.THANGA ARAVINDH,
Government Advocate (Crl.Side)

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

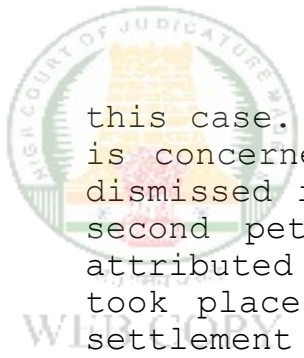
PRAYER :- For Anticipatory Bail in Cr.No.127/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused No.1 & 2, apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323, 324, 379 & 506(ii) of I.P.C., in Crime No.127 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the statement given by the defacto complainant is that on 02.06.2022, at about 08.30 p.m, the husband of the defacto complainant standing near the Dhanapal Medical Shop. At that time, the accused person came there and abused him in filthy language and started to demanding property. The accused No.1 assaulted him with aruval and the second & third accused assaulted him with their legs. At the intervention of the neighbours, all the three accused persons ran away from the place of occurrence. At that time, the first accused snatched 3 ½ sovereigns of gold chain from the neck of the husband of the defacto complainant. Apart from that, a two wheeler was also taken away by the accused persons. Only on the above said basis, for getting instruction, the matter was ordered to be listed today.

3. The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in



this case. He further submitted that insofar as the first petitioner is concerned, he is a habitual offender. Hence, the matter can be dismissed insofar the first petitioner is concerned. Insofar as the second petitioner is concerned, there is no specific overt act attributed against him. Originally, there was no such occurrence took place. It is a dispute between the close relatives over the settlement of property.

4. But, however, reading of the FIR shows that there is a specific allegation against the second petitioner also. To the effect that he snatched the 2 sovereigns gold chain from the son of the defacto complainant.

5. The learned Government Advocate (Crl. Side) for the respondent police submitted that there was no recovery of gold jewels from the accused persons. Only on that ground, anticipatory bail that was filed by all the accused persons have been decided and only the third accused was held to be entitled for discretionary relief of anticipatory bail. Insofar the these petitioners are concerned, this Criminal Original Petition is dismissed because of non-recovery of gold jewels.

sd/-

21/07/2022

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/07/2022

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

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,
THOTTIYAM POLICE STATION,
TRICHIRAPPALLI DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.11475 of 2022

Date : 21/07/2022

SA/VR/SAR.1/28.07.2022/2P/3C