



WEB COPY

CRL OP(MD). A



22

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

Date : 06/07/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGOVAN

CRL OP(MD). No.11871 of 2022

Yogeshwaran, ... Petitioner/Accused Rank Not Known

Vs

State Rep by
The Inspector of Police,
Kolidam Police Station,
Trichy District.
Crime No.371 of 2021. ... Respondent/Complainant

For Petitioner : M/s.Yamuna R,
Advocate.

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

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

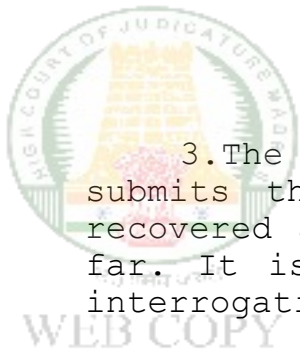
PRAYER :-

For Anticipatory Bail in Crime No. 371 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner is facing charges under Sections 392 and 397 IPC in Crime No.371 of 2021 on the file of the respondent police.

2.The case of the prosecution is that the defacto complainant was riding a two wheeler on 30.10.2021 after attending duty at about 07.45 pm. When he was nearing the place of occurrence at about 08.15 pm., three persons, who were riding a motor cycle in front of him, insulted him, caused assault to him with Aruval and snatched Rs.2,000/- apart from a Lava cellphone. The neighbours admitted the defacto complainant in the hospital through Ambulance. Based upon the aforesaid complaint, the case was registered against the accused



3.The learned Government Advocate (Crl.side) for the respondent submits that from the 1st accused, after arrest, Rs.2,000/- was recovered and the missing Lava cellphone has not been recovered so far. It is a case of serious in nature, which requires custodial interrogation.

4.The learned counsel for the petitioner submits that the petitioner is a college student.

5.However, finding that the petitioner has involved in a similar case in Crime No.962 of 2021, the anticipatory bail application that was filed by him before this Court was allowed by the coordinate Bench of this Court, vide order dated 30.11.2021 in Crl.O.P.(MD) No.17422 of 2021. It is seen that the date of occurrence is 30.10.2021. The co-accused was arrested on 25.12.2021. He implicated this petitioner in the aforesaid occurrence.

6.Finding that this is the serious offence, as I mentioned earlier, it requires custodial interrogation and even though the petitioner was already granted anticipatory bail in the earlier crime, he has misused the same and has committed the very another offence. He is not entitled for the discretionary relief of anticipatory bail.

7.Accordingly, this Criminal Original Petition is dismissed.

sd/-
06/07/2022

/ TRUE COPY /

/07/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MM

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,
Kolidam Police Station, Trichy District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

CRL OP(MD) No.11871 of 2022
dated: 06/07/2022

TR/JM/SAR-II(20.07.2022) 3P 3C