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CRL OP(MD). N



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

Date : 28/09/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.13852 of 2022

Alampathoosha

... Petitioner/Accused Rank Not Known

Vs

The State rep.by,
The Inspector of Police,
Pavoorchathiram Police Station,
Tenkasi District.
Crime No.116/2022.

... Respondent/Complainant

For Petitioner : M/s.Susi Kumar.C,
Advocate.
For Respondent : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)

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

PRAYER :-For Anticipatory Bail in Crime No.116 of 2022 on the file of the Respondent police.

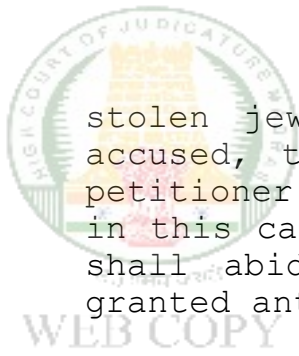
ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 380 of IPC, seeks anticipatory bail.

2.The case of the prosecution is that on 09.04.2022 when the defacto complainant's brother-in-law went to the defacto complainant's house to take a bike key, he found that the main door of the house was opened. Hence, he informed the same to the defacto complainant. Upon the information, the defacto complainant went to his house and found that the main door and almera were opened and the gold jewels of 269 grams were stolen, worth about Rs.4,84,00/-. Hence, the present complaint.

3.The learned counsel for the petitioner would submit that the petitioner is running a jewelry shop in the name and style of "Afra Jewelry". The petitioner used to purchase the auctioned jewels from the public by depositing amount. The petitioner did not receive any

<https://www.court.gov.in>



stolen jewels. Based on the confession statement of the accused, the petitioner has been implicated in this case and the petitioner is an innocent person and he has been falsely implicated in this case. However, he would further submit that the petitioner shall abide any condition imposed by this Court and he may be granted anticipatory bail.

4. The learned Government Advocate (Crl.side) appearing for the respondent police would submit that the first accused is still in custody and the entire property has not been recovered and custodial interrogation of the petitioner is necessary. Hence, he strongly opposed for grant of anticipatory bail.

5. Considering the facts and circumstances of the case and also considering the nature of the offence and also the fact that the entire property has not been recovered and the custodial interrogation of the petitioner is necessary, this Court is not inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed.

sd/-

28/09/2022

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/10/2022

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

ORDER

IN

CRL OP(MD) No.13852 of 2022

Date : 28/09/2022

cp

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