



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 01/09/2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.14677 of 2022

1. Esakkiraja @ Raja
2. Suriya

... Petitioners/Accused Nos.1 & 2

Vs

The State rep.by
The Inspector of Police,
Valliyoor Police Station,
Tirunelveli District.
Crime No. 120 of 2022.

... Respondent/Complainant

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

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

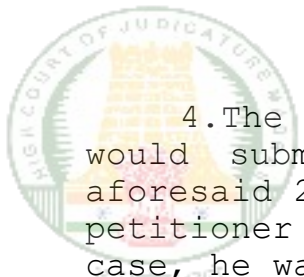
PRAYER :- For Anticipatory Bail in Crime No. 120 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners are facing charges under Sections 294(b), 323 and 379 IPC in Crime No.120 of 2022 on the file of the respondent police.

2.The case of the prosecution is that the defacto complainant lodged a complaint stating that on 21.04.2022 at about 09.45 pm., when he was about to take his two wheeler, which was parked near the hotel, two persons came there in a car and tried to hit him. On enquiry, they revealed their names as Esakkiraja and Suriya, who are the petitioners herein. They assaulted him, caused injury and also snatched away 20 gms,, of jewellery worth about Rs.1,00,000/-. Based upon the aforesaid occurrence, the case has been registered.

3 Seeking anticipatory bail, this petition has been filed on the ground that the date of occurrence is stated to be on 21.04.2022 and the FIR has been registered only on 18.05.2022 after a lapse of 28 days.



4.The learned Government Advocate (Crl.side) for the respondent would submit that the co-accused is still absconding and the aforesaid 20 gms of gold jewel has not been recovered so far. The 1st petitioner is also the accused in Crime No.761 of 2022 and in that case, he was arrested and later was released on bail.

5.The aforesaid occurrence said to have taken place on 05.05.2022 and the present occurrence said to have taken place on 21.04.2022. Considering the fact that the 1st petitioner is involved subsequent robbery case and no jewellery has been recovered, the petitioners have to subject themselves to custodial interrogation. Considering the previous bad antecedent of the petitioners, this Court is not inclined to grant anticipatory bail to them.

6.Accordingly, this Criminal Original Petition is dismissed.

sd/-

01/09/2022

/ TRUE COPY /

/09/2022

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

ORDER

IN

CRL OP(MD) No.14677 of 2022
Date :01/09/2022

MM

SA/SBN/SAR.1/13.09.2022/2P/3C