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CRL OP(MD). N



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

Date : 30/09/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD). No.17328 of 2022

Muniyasamy ... Petitioner/Accused Rank No.3

Vs

The State rep.by,
The Inspector of Police,
Rajapalayam South Police Station,
Virudhunagar District.
(Crime No.200/2022).

... Respondent/Complainant

For Petitioner : M/s.Rajaboopathy.D,
Advocate.

For Respondent : Mr.Vaikkam Karunanithi,
Government Advocate (Crl.Side)

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

PRAYER :-For Anticipatory Bail in Crime No.200/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 147, 148, 294(b), 324, 435, 307 and 506 (ii) of I.P.C., in Crime No. 200 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The allegation against the petitioner is that due to previous motive, on 22.06.2022, the petitioner and others formed themselves into an unlawful assembly and abused the defacto complainant in filthy language and assaulted him with sickle and set fire to the two wheeler and threatened to kill the defacto complainant and others. A case in Crime No. 200 of 2022, under Sections 147, 148, 294(b), 324, 435, 307 and 506 (ii) of I.P.C. was registered against the petitioner.

3. On the side of the petitioner, it is stated that the petitioner is falsely implicated in the case. All other co accused



were already released on bail. Only on the confession of the petitioner was impleaded in the case as A3. The petitioner is only having 3 previous cases, in all the cases, the petitioner is complying the conditions regularly and prayed the petitioner to be released on anticipatory bail.

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4. On the side of the prosecution, it is stated that the petitioner is A3 in the case. The petitioner and others set fire to three numbers of two wheelers. There is some specific overt act against the petitioner. The victim, who was attacked by the petitioner, took treatment as inpatient for 15 days. The petitioner is a history sheeted person. The petitioner is having 10 previous cases and all of them are grievous in nature and prayed the petition to be dismissed.

5. Considering the allegation levelled against the petitioner and others and considering the nature of the offence and considering the specific overt act against the petitioner and that investigation is still pending and also considering the previous antecedents of the petitioner and that there is no change of circumstances, this Court is not inclined to released the petitioner on anticipatory bail. Hence, this Petition is dismissed.

sd/-

30/09/2022

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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
RAJAPALAYAM SOUTH POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.17328 of 2022

Date :30/09/2022

Ls

MK/SVR/SAR.I/06.10.2022/2P/3C

<https://www.mhc.tn.gov.in/judis>