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CRL OP(MD). N



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

Date : 18/10/2022

PRESENT

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

CRL OP(MD) . No.18482 of 2022

Maharajan

... Petitioner/Accused

Vs

State Rep.by
The Inspector of Police,
South Thamarikulam Police Station,
Kanyakumari District.
(Crime No.155 of 2022).

... Respondent/Complainant

Sureshkumar

... Petitioner/Intervener
in CRL MP(MD).12589/2022
in CRL OP(MD).18482/2022

For Petitioner : M/s.Ramu M, Advocate
For Intervener : Mr.S.Senthil Sankaranatha Kumar, Advocate
For Respondent : M.Veeranthiran,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.155 of 2022 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 341, 394 and 506(ii) of IPC, in Crime No.155 of 2022, seeks anticipatory bail.

2.The earlier anticipatory bail petition filed by the petitioner was dismissed by this Court on 06.10.2022, considering the gravity of offence and the fact that the injured was still in the hospital and also the property was not yet recovered.



3. Now, the petitioner has filed this second anticipatory petition, on the ground that the injured was discharged from the hospital. Hence, prays to enlarge him on anticipatory bail.

4. On the side of prosecution, it is stated that in this case, there are three accused involved. The petitioner is arrayed as A1. It is stated that the property i.e., gold chain weighing 9 sovereigns is with the A1 and it was not yet recovered. A Special Team was formed to nab A1. Further more, A2 and A3 are still in custody. Hence, prays to dismiss the petition.

5. On the side of intervener, it is stated that the accused persons had took 10 sovereigns of gold jewels from the defacto complainant. There was no change in the circumstances. Hence, prayed to dismiss the petition.

6. Considering the facts and circumstances of the case, though this is the second petition filed by the petitioner, except the fact that the injured was discharged from the hospital, there is no change in circumstances, since the co-accused are still in custody and the property also not yet recovered from A1, this Court is not inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this Criminal Original Petition stands dismissed.

sd/-
18/10/2022

/ TRUE COPY /

/11/2022

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

TO

1. The Inspector of Police,
South Thamarikulam Police Station,
Kanyakumari District.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC TO MR.S.SENTHIL SANKARA NATHA KUMAR, Advocate (SR-50127[f] dated 18.10.2022)

ORDER
IN
CRL OP(MD) No.18482 of 2022
Date :18/10/2022

pnm
RS/VR/SAR. (31.10.2022) 2P-4C

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