



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

Date : 24/11/2022

PRESENT

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

CRL OP (MD) . No.20780 of 2022



WEB COPY

M.Siva @ Sivaramalingam

... Petitioner/Accused No.5

Vs

The State Rep.by
The Inspector of Police,
Puliyankudi Police Station,
Tenkasi District.
(Crime No.245/2022).

... Respondent/Complainant

For Petitioner : M/s.Veerapandi Selvaraj S,
Advocate.

For Respondent : Mr.M.Veeranthiran,
Government Advocate (Crl.Side)

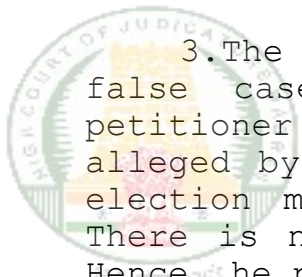
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-For Anticipatory Bail in Crime No.245/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/accused No.5, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 341, 294(b), 363, 387, 506(ii) and 109 of IPC, in Cr.No.245 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the President of Co-operative Society and Union Councillor of the Village. The defacto complainant won the election with the help of the accused. After winning the election, frequently, the accused persons demanded money from the defacto complainant for the purpose of acquitting from the criminal cases, which were registered against them. The same was refused by him. In such circumstance, on 06.06.2022, at about 10.00 p.m, when the defacto complainant proceeding towards Vellankottai Village, the accused persons waylaid him and kidnapped him and demanded a sum of Rs.50 lakh. They also threatened him that if he fails to pay, they will murder him. Thereafter, they snatched 325 grams of gold jewels, Money Burse along with Rs.20,000/-, ATM Card, i Phone & Watch and dropped the defacto complainant in the Petrol Bunk, Near SV College. Hence, the complaint.



3.The learned counsel for the petitioner would submit that false case has been foisted against the petitioner. The petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that there is election motive between the accused and the defacto complainant. There is no specific overt act attributed against the petitioner. Hence, he prays for grant of anticipatory bail to the petitioner.

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4.The learned Government Advocate (Crl.Side) would submit that totally 9 accused are involved in this case. The petitioner is arrayed as A5. The accused persons kidnapped the defacto complainant and demanded a sum of Rs.50 lakh. Since he was not in a position to arrange the above said amount, they snatched 325 grams of gold jewels, Money purse along with Rs.20,000/-, ATM Card, i Phone, Watch & Innova Car. He would further submit that the petitioner is having 25 previous cases in different Police Stations. A3, A4, A6 & A7 were arrested and still in custody. The investigation is in preliminary stage, the custodial interrogation of the petitioner is necessary. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the facts that the co-accused are still in custody and the petitioner is having bad antecedent, this Court is not inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this Criminal Original petition is dismissed.

sd/-

24/11/2022

/ TRUE COPY /

/12/2022

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
PULIYANKUDI POLICE STATION, TENKASI DISTRICT.
2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
+1 CC to M/s.C.GANGAI AMARAN, Advocate (SR-13618[I] dated
24/11/2022)

ORDER IN
CRL OP(MD) No.20780 of 2022
Date :24/11/2022

DSS

MK/SSS/SAR I/15.12.2022/2P/4C

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