



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.02.2023

PRESENT

THE HON'BLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**CRL.O.P(MD)No.1597 of 2023

WEB COPY

Valivittan

...Petitioner/
Accused Rank Not Known

-vs-

The State represented by
The Inspector of Police,
Kalaiyarkovil Police Station,
Sivagangai District.
(in Cr.No.371 of 2022)

...Respondent/ Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioner/ Accused on bail in the event of his arrest by the respondent Police with respect to Cr.No.371 of 2022.

For Petitioner

: Mr.D.Rameshkumar

For Respondent

: Mr.P.Kottai Chamy

Government Advocate (Crl.side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Section 392 of IPC @ 395 of IPC @ 397 of IPC in Crime No.371 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that the the accused persons have attacked the de-facto complainant with steel pipe and robbed a sum of Rs.9,00,000/- from him. Hence, the complaint.

3.The learned Counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely roped-in in this case. He would also submit that he has not committed any offence, as alleged by the prosecution. He would also submit that the petitioner is ready to abide by any stringent conditions, that may be imposed on him. He would pray for anticipatory bail to the petitioner.

4.The learned Government Advocate (crl.side) would submit that this is the second petition for anticipatory bail and the earlier

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petition for anticipatory bail was dismissed by this in Crl.O.P(MD)No.182 of 2023, by order, dated 05.01.2023 considering the habituality of the petitioner in committing crime, as the petitioner has five previous cases against him. He would also submit that subsequent to the dismissal of earlier petition, there is no change of circumstances and he would object for anticipatory bail to the petitioner.

5.Considering the facts and submissions made on either side and also considering the fact that the petitioner is an habitual offender, against whom there are five previous cases pending and also the fact that there is no change of circumstances subsequent to the dismissal of earlier petition, this Court is not inclined to grant anticipatory bail to the petitioner. Hence, this petition is dismissed.

sd/-

01/02/2023

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/02/2023

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

cmr

To

1.The Inspector of Police,
Kalaiyarkovil Police Station,
Sivagangai District.

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

ORDER

IN

CRL OP(MD) No.1597 of 2023

Date :01/02/2023

RD/SSS/SAR-II (09/02/2023) 2P 3C