



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.01.2023

PRESENT

THE HON'BLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**



CRL.O.P(MD)No.1781 of 2023

M.Siva @ Sivaramalingam

...Petitioner/Accused No.5

-vs-

The State represented by
The Inspector of Police,
Puliyankudi Police Station,
Tenkasi District.

(in Cr.No.245 of 2022)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioner on bail in the event of his arrest by the respondent Police with respect to Cr.No.245 of 2022.

For Petitioner

: Mr.B.Karuppasamy

For Respondent

: Mr.M.Veeranthiran

Government Advocate (Crl.side)

ORDER

The petitioner, 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 Crime No.245 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 de-facto complainant is the President of Co-operative Society and Union Councillor of the Village. The de-facto complainant won the election with the help of the accused. After winning the election, frequently, the accused persons demanded money from the de-facto complainant for the purpose of defending 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 de-facto complainant was 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 purse along with Rs.20,000/-, ATM Card, i-Phone & watch and dropped the de-facto complainant in a petrol bunk, near SV College. Hence, the complaint.

3.The learned Counsel for the petitioner would submit that the petitioner is an innocent and a false complaint has been given. He would also submit that this is the second petition for anticipatory bail and the earlier petition was dismissed by this Court on 24.11.2022. He would also submit that the petitioner has not



committed any offence as alleged by the prosecution. He would further submit that there is an election motive between the petitioner and the de-facto complainant. There is no specific offence attributed against the petitioner. Hence, he prays for grant of 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 petition was dismissed by this Court, by order, dated 24.11.2022 on the ground that the petitioner is a notorious accused and the investigation is in preliminary stage and custodial interrogation of the petitioner is necessary. He would oppose for grant of anticipatory bail to the petitioner.

5. Taking into considering the facts and circumstance of the case and also the fact that the petitioner is a notorious accused and there is no change circumstances, after the dismissal of the earlier anticipatory bail petition, this Court is not inclined to grant anticipatory bail to the petitioner. Hence, this petition is dismissed.

sd/-
31/01/2023

/ TRUE COPY /

/02/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE INSPECTOR OF POLICE
PULIYANKUDI POLICE STATION,
TENKASI DISTRICT

2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.1781 of 2023
Date : 31/01/2023

MGJ/SAR 2 (04.02.2023) 2P 3C