



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/05/2023

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PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . No.8425 of 2023

Kirubhakaran

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
Chinnalapatti Police Station,
Dindigul District.
(Crime No.46 of 2023).

... Respondent/Complainant

For Petitioner : Mr.R.Anand, Advocate.
For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor
For Intervenor : Ms.Shumathi Priya Rajendran, Advocate

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

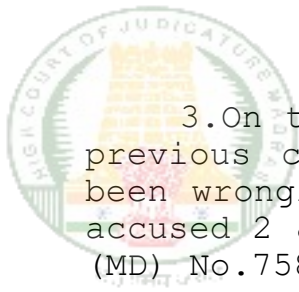
PRAYER :-

For Anticipatory Bail in Crime No.46 of 2023 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 341, 294(b), 323, 109, 307 and 506(ii) of IPC in Cr.No.46 of 2023, seeks anticipatory bail.

2.The case of the prosecution is that the father of the defacto complainant had extra marital relationship with the second accused. The third accused is her daughter. Taking advantage of such relationship, the second accused has demanded a share from the property of the defacto complainant's father. Due to this dispute, when the defacto complainant was returning to his home on 30.03.2023, four persons attacked him with knife, thereby, he sustained injuries. Hence, based on the complaint, a case in crime No.46 of 2023 has been registered for the offences punishable under Sections 341, 294(b), 323, 109, 307 and 506(ii) of IPC, as against the petitioner also, who is happened to be the husband of the third



3. On the side of the petitioner, it is stated that based on the previous cases pending against the petitioner, the petitioner has been wrongly implicated in this case. It is further stated that the accused 2 & 3 were granted anticipatory bail by this Court in Crl.OP (MD) No.7584 of 2023 on 24.04.2023.

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4. On the side of the prosecution, it is stated that there are totally eight accused in this case. The petitioner is having four previous cases as against him. The proceedings initiated under Section 110 Cr.P.C on 09.12.2022 is also pending as against the petitioner. The accused 4 to 8 are arrested and they are still in custody. A2 and A3 got anticipatory bail. The learned Additional Public Prosecutor strongly opposes for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and considering the submission made by the learned Additional Public Prosecutor that four previous cases are pending as against the petitioner and also the proceedings initiated under Section 110 Cr.P.C is pending as against the petitioner, this Court is not inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed.

sd/-

05/05/2023

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//2023

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

VRN

TO

1 THE INSPECTOR OF POLICE, CHINNALAPATTI POLICE STATION,
DINDIGUL DISTRICT.

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

ORDER

IN

CRL OP(MD) No.8425 of 2023

Date : 05/05/2023

RS/Vs/SAR-4 (10.05.2023) 2P 3C