



CRL OP(MD)No.13004 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20.07.2023

PRESENT

The Hon`ble Mr.Justice P.DHANABAL

CRL OP(MD)No.13004 of 2023

N.Sathaiya

... Petitioner/ Accused - 2

Vs

The State represented by
The Inspector of Police,
CBCID-South,
Sivagangai District.
(Cr.No.1 of 2023)

... Respondent/ Complainant

For Petitioner : Mr.VR.Shanmuganathan, Advocate
For Respondent : Mr.M.Sakthi Kumar,
Government Advocate(Crl.side)

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

PRAYER :-

For Anticipatory Bail in Crime No.1 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 211, 384, 386 and 306 IPC in Crime No.1 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The learned counsel appearing for the petitioner would contend that the respondent police registered a case against the petitioner for the offence under

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Sections 211, 384, 386 and 306 IPC in Crime No.1 of 2023. A case in Cr.No.4 of 2021 was registered as against the deceased and other accused persons by the All Women Police Station, Devakottai for the offences under POCSO Act as against the deceased and other accused and thereafter, the deceased committed suicide on 24.01.2022. Based on the complaint given by Krishnan, a case was registered in Cr.No.33 of 2022 under Section 174 Cr.P.C., on 25.01.2022. Thereafter, the said case was transferred to the file of CBCID vide Cr.No.2 of 2023 dated 24.01.2023. In fact, this petitioner falsely arrayed as accused. The petitioner has not committed any offence as alleged in FIR. Though there is suicide note as alleged by the prosecution, the other accused released on bail and some of the accused released on anticipatory bail. Hence, he prayed for granting anticipatory bail to the petitioner.

3.The learned Government Advocate(Crl.side) appearing for the respondent would contend that there is specific overt act as against this petitioner and there is suicide note available. Therefore, custodial interrogation of the petitioner is very much essential in this case. The petitioner herein is the main accused. Hence, he strongly objected to grant anticipatory bail to the petitioner.

4.Heard both sides and perused the materials available in the record.

5.Considering the submissions made on either side and also considering the fact that investigation is initial stage and as per prosecution, this petitioner is one of prime accused and there is suicide note available and considering the gravity of the offence, this Court is not inclined to grant anticipatory bail to the petitioner, at this stage. Accordingly, this criminal original petition is dismissed.

sd/-

20/07/2023

/ TRUE COPY /

20/07/2023

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

gns

TO

1 THE INSPECTOR OF POLICE
CBCID SOUTH, SIVAGANGAI DISTRICT.

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

ORDER
IN
CRL OP(MD) No.13004 of 2023
Date :20/07/2023

RS/VR/SAR-(20.07.2023) 3P 3C

Madurai Bench of Madras High Court is issuing
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