



CRL OP(MD). No.13473 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/07/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.13473 of 2023

Kanja Vicky @ Chelladurai

... Petitioner/ Accused No.2

Vs

The State rep.by,
The Sub Insepctor of Police,
Thirunelveli Junction Police Station,
Tirunelveli City.
Crime No.320 of 2023..

... Respondent/ Complainant

For Petitioner : M/s.P.Balamurugan, Advocate

For Respondent : Mr.R.Suresh Kumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in crime no.320 of 2023 on the file of the respondent police.



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ORDER : The Court made the following order :-

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The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 341, 294(b), 352, 387, 506(ii) of I.P.C, in Crime No.320 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that there was a money dispute between the parties, over which, on 25.06.2023 at about 09.30 p.m., the defacto complainant was waylaid by the accused persons and attempted to commit robbery. Hence, the complaint. Even in the FIR it is admitted that the defacto complainant is known to the accused persons. Three months prior to the occurrence, A1 has received Rs.5,000/- from the defacto complainant as hand loan, which was not returned by him.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and a false complaint has been foisted against him, on account of money dispute between the defacto complainant and A1. The petitioner is no way connected with the offence. Hence, prays to release the petitioner on anticipatory bail.



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4.The learned Government Advocate (Crl.Side) submitted that the accused persons had waylaid and attempt to commit robbery from the defacto complainant. In this case, though the petitioner is not having any previous case at his credit, the investigation is not yet completed. Hence, prays to dismiss the petition.

5.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6.Taking into consideration the facts and circumstances of the case and as admitted in FIR that already there was a money dispute between the defacto complainant and A1 and the fact that the petitioner is not having any previous case at his credit, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate No.IV, Tirunelveli, on condition that the



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petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
24/07/2023

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/07/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

pnm

TO

1.THE JUDICIAL MAGISTRATE NO.IV,
TIRUNELVELI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.



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3.THE STATE REP.BY,
THE SUB INSEPCTOR OF POLICE,
THIRUNELVELI JUNCTION POLICE STATION,
TIRUNELVELI CITY.

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

+1. CC to M/S.P.BALAMURUGAN Advocate SR.No.11200

ORDER
IN
CRL OP(MD) No.13473 of 2023
Date :24/07/2023

RK/BUC (27/07/2023) 5P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023