



CRL OP(MD). No.14138 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 02/08/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.14138 of 2023

Antonyraj

... Petitioner / Accused No.3

Vs

State repd by
The Inspector of Police,
Thoothukudi South Police Station,
Crime No.478 of 2022.

... Respondent / Complainant

For Petitioner : M/s.S.Vishnuvardhan, Advocate

For Respondent : Mr.B.Nambiselvan
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C

PRAYER :-

For Bail in Crime No.478 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.3, was arrested on 06.08.2022, for the alleged offence punishable under Sections 147, 148, 341, 294(b), 307, 302, 506(2) and 120(B) read with Section 34 of IPC, in Crime No.478 of 2022, on the file of the respondent



CRL OP(MD). No.14138 of 2023

police, seeks anticipatory bail.

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2. The case of the prosecution is that the deacto complainant filed a complaint stating that he is working as a parotta master under one raja, along with him one Samuvel is also working as master and one Senthil Kumar was a cashier. The accused persons namely Karkuvel, Dineshkumar used to come to their hotel frequently. On 04.08.2022 at about 10.30 p.m., the said Karkuvel along with Dinesh kumar have taken tiffin but left the hotel without paying the money. When that was questioned, they were criminally intimidated with deadly weapon. In the second occurrence, on the next day on 05.08.2022, the said Karkuvel came to the hotel along with some identified person, they caused assault with Aruval to the owner Devaraj. When the employees intervened, were have also got assaulted. They tried to escape from the place but they have been chasing by the accused and done to death and three other employees got injuries. Based upon the complaint, a case was registered.

3. During the course of investigation, nine persons have been arrayed to be involved in this case. Among nine persons, accused Nos.5,6 and 7 were enlarged on bail. Considering the limited overt act and two accused were enlarged on bail. Seeking bail, this petition came to be filed. Originally, Act 14 was initiated against the petitioner and the same was quashed on 10.07.2023 by the Hon'ble Division Bench of this Court.



CRL OP(MD). No.14138 of 2023

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4. The learned Additional Public Prosecutor would submit that specific overt act has also been attributed against the petitioner and he along with the co-accused chased the defacto complainant and caused death. Apart from that the petitioner is also having one previous case in Crime No.340 of 2021, for the offence under Section Explosive Substance Act. According to him, now trial has commenced. Because of the non co-operation on the side of some accused, examination of witness was postponed. It is also stated that the petitioner / Accused No.3 has moved bail application before the learned I Additional District and Sessions Judge, Thoothukudi and the same was dismissed, because of the conduct of the co-accused.

5. Considering the facts, this petitioner is not having good conduct and the manner in which the crime stated to have been conducted, this Court is not inclined to grant relief to the petitioner. The petitioner herein is at liberty to revive this application after the examination of the material witnesses, are over.

6. Accordingly, this Criminal Original Petition stands dismissed.

sd/-
02/08/2023

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/08/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNN



CRL OP(MD). No.14138 of 2023

To

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1.The Inspector of Police,
Thoothukkudi South Police Station,
Thoothukkudi.

2.The Superintendent,
Central Prison, Palayamkottai.

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

ORDER
IN

CRL OP(MD) No.14138 of 2023

Date :02/08/2023

ED/VR/SAR- 1 (17/08/2023) 4P / 4C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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