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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/08/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.15523 of 2023

Suresh,

... Petitioner/ Accused No.12

Vs

The State Through,
The Inspector of Police,
Thalaiyuthu Police Station,
Tirunelveli District.
Crime No.227 of 2021.

... Respondent/ Complainant

For Petitioner : M/s.Ramar K,
Advocate.

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.227 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ Accused No.12, apprehending arrest at the hands of the respondent

police, for the alleged offences punishable under Sections 147, 148 and 302 of IPC, in

<https://www.mhc.tn.gov.in/judis>



Crime No. 227 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant's son was murdered by this petitioner and he was arrested. By an order dated 29.10.2021, in Cr.M.P.No.7285 of 2021, the petitioner was granted bail by the learned Principal Sessions Judge, Tirunelveli, subject to the conditions that the petitioner shall appear before the respondent police daily twice at 10.30 a.m., and 06.00 p.m., until further orders. The petitioner was released from the judicial custody on 03.11.2021. later, Cr.M.P.No.8393 of 2021 was filed by the prosecution seeking cancellation of the bail granted to the petitioner. Vide order dated 03.11.2021, the bail granted to the petitioner was cancelled by the learned Principal Sessions Judge, Tirunelveli. Thereafter, the petitioner stated to have threatened the prosecution witness. After cancellation of the bail order granted to the petitioner, seeking anticipatory bail this criminal original petition came to be filed.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent, he has not committed any offence as alleged by the prosecution. He has not threatened any witnesses. False allegations have been made against him.

4. This Court feels that after cancellation of bail, the second anticipatory bail may not be lie and remedy available to the petitioner is to surrender before the concerned Court. Therefore, the petitioner shall surrender before the concerned Court or he has to challenge the cancellation of bail order.



5. In the result, this criminal Original Petition is dismissed.

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25/08/2023

/09/2023

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

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TO

1 THE PRINCIPAL SESSIONS JUDGE,
TIRUNELVELI.

2 THE INSPECTOR OF POLICE
THALAIYUTHU POLICE STATION,
TIRUNELVELI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.15523 of 2023

Date :25/08/2023

SSA/JGB/11.09.2023/3P/4C

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