



CRL OP(MD). No.17050 of 2023

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

Date : 27/09/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.17050 of 2023

Babu @ Sureshbabu

... Petitioner / Accused No.6

Vs

State represented by
The Inspector of Police,
Thogur Police Station,
Thanjavur District.
(Crime No.105 of 2023.)

... Respondent / Complainant

For Petitioner : Mr.S.Manoj Kumar, 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.105 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners / Accused No.6 herein, apprehending arrest at the hands of the respondent Police for the alleged offences punishable under Section 294(b), 323, 342,



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307 of IPC in Crime No.105 of 2023, on the file of the respondent police, seeks bail.

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2. The case of the prosecution is that the defacto complainant lodged a complaint stating that over previous enmity in respect of selling of the fishes, on 12.07.2023 at about 1.30 p.m., over a petty issue, the trouble has arisen between the parties, over which threat was made by the accused. In view of the threat, at 6.30 p.m., on the very same day, when the defacto complainant was in the place of occurrence, the accused came there with wooden log and sword, caused severe injury to the defacto complainant. Based upon which, the present case has been registered.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent, he has not committed any offence as alleged by the prosecution. They he has been falsely implicated in this case.

4. Even though the co-accused have been granted either regular bail or anticipatory bail and even as per the allegation made in the First Information Report no specific overt act is attributed against the petitioner, reading of the First Information Report shows that grievous injury inflicted upon the injured person. When the injured tried to escape from the assault, this accused prevented him from moving, he was grievously attacked by the co-accused persons.

5. Considering the gravity of offence as well as nature of injury suffered by the



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injured and the manner, in which the assault made by the accused person, this Court dismissed the earlier petition filed by the petitioner. This is second anticipatory bail application. This petition has been filed on the ground that only on the basis of the confession of the co-accused, he has been implicated in this case.

6.However, considering the seriousness of the allegation as well as injury, this Court is not inclined to grant anticipatory bail to the petitioner. The petitioner has to surrender before the concerned Court and seek regular bail. Without any change of circumstances, this petition cannot be entertained.

7.Accordingly, this criminal original petition stands dismissed.

sd/-
27/09/2023

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/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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To

1.The Inspector of Police,
Thogur Police Station,
Thanjavur District.

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



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ORDER

IN

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Date :27/09/2023

ED/DD/SAR- (01/11/2023) 4P / 3 C

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