



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

Date :06/01/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN
CRL OP(MD). No.22685 of 2022

WEB COPY

Sudalai @ Sudalaimuthu

... Petitioner/Accused No.2

Vs

State Rep by
The Inspector of Police,
Vijayanarayanam Police Station,
Tirunelveli.
Cr.No.66/2022)

... Respondent/Complainant

For Petitioner : Mr.Aruljenifer for Mr. Satheesh.E

For Respondent : Mr. Sakthi Kumar. M
Government Advocate (Crl.Side)

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

PRAYER :-

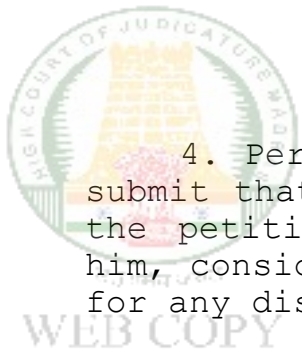
For Anticipatory Bail in Crime No.66/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for the alleged offence punishable under Sections 379 of IPC in Crime No.66 of 2022, seeks anticipatory bail.

2.This is the third anticipatory bail petition. The first anticipatory bail petition was filed along with the accused No.1 and 3. At that time, it was informed the Court that one previous case is pending which is similar in nature, so the anticipatory bail petition was dismissed for the the first time. The second petition was filed without any change of circumstance and it was also dismissed.

3. Now in this petition, it has been stated that on the basis of the request made by the public to level the road through which the temple cart is taken, a resolution is also passed by the village Panchayath. He was given work by the Panchayath. As per the above said resolution only, he has taken sand for the purpose of leveling the road. There was no other personal gain.



4. Per contra, the learned Government Advocate (Crl.Side) would submit that the above said resolution is created one, since because the petitioner's wife is the village President. So, according to him, considering the bad antecedents, the petitioner is not entitled for any discretionary relief.

5. Perusal of records shows that the tractor used for the above said transport of sand is a unregistered one. It is further seen that the case in Crime No.101 of 2022 was registered as against this petitioner and others, stating that when the Police team went to arrest the petitioner, the complainant in Crime No.101 of 2022 was assaulted, abused and criminally intimidated.

6. However, the learned counsel for the petitioner would submit that because of the communal issue raised by the Inspector of Police, such a false complaint has been registered. Now whatever it may be serious allegation has been made creating and forging of the Panchayath resolution has been made. So, this is not a fit case to consider the anticipatory bail application and hence, the petitioner is directed to surrender before the concerned Court and seek regular bail. Accordingly, this Criminal Original Petition is dismissed.

sd/-
06/01/2023

/ TRUE COPY /

/01/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Indu
TO

- 1.The Inspector of Police,
Vijayanarayanam Police Station,
Tirunelveli.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.SATHEESH.E -, Advocate (SR-366[I] dated 09/01/2023)

ORDER IN
CRL OP(MD) No.22685 of 2022
Date :06/01/2023

TR/MMS/SAR-II(11.01.2023) 2P 4C

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