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CRL OP(MD). N



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

Date : 10/01/2023

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD). No.22545 of 2022

S.Iyyappan ... Petitioner/Accused No.1

Vs

State Rep by
The Inspector of Police,
Anjugramam Police Station,
Kanyakumari District.
(Crime No.271/2022).

... Respondent/Complainant

For Petitioner : M/s. Saravana Kumar.S

For Respondent : Mr.M.Veeranthiran,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.271/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 120(b), 147, 148, 294(b), 447, 427, 323, 379, 506(ii) of IPC, in Crime No.271 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant, who is a differently-abled person is that and he was taken care of by one Rajendraprasath. Due to tenancy dispute, on 26.11.2022, the accused persons have trespassed into the house of the defacto complainant and forcibly evict him, when the same was refused by him, the accused persons have assaulted the defacto complainant and his son and also snatched 8 ½ sovereigns of gold chain, cash and a mobile phone, worth about Rs.3,77,000/- of said Rajendraprasath. Hence, the complaint.

<https://www.mca21.com>



3.The learned counsel for the petitioner submitted that he is innocent and had not committed any offence, as alleged by the prosecution. A false case has been foisted against him, due to tenancy dispute. Hence, prays to release him on anticipatory bail.

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4.The learned Government Advocate (Crl.Side) submitted that in order to evict the defacto complainant from the premises, the accused persons have entered into his house, assaulted him and also caused damages. Further, the petitioner is having 3 previous cases to his credit, in which, one case was disposed of and the other two cases are pending. Hence, he would pray to dismiss the petition.

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

6.Considering the nature of dispute between the parties and the gravity of the offence and also considering the bad antecedents of the petitioner, this Court is not inclined to grant anticipatory bail to him. Accordingly, this Criminal Original Petition stands dismissed.

sd/-
10/01/2023

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/01/2023

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

PNM
TO

1. The Inspector of Police,
Anjugramam Police Station, Kanyakumari District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.22545 of 2022
Date : 10/01/2023

TR/MMS/SAR-II(23.01.2023) 2P 3C