



CRL OP(MD). No.21224 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/12/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.21224 of 2023

A Divas,

... Petitioner/ Accused No.1

Vs

TheSub Inspector of Police,
D2 Sellur Police Station,
Madurai District.
Crime No. 1143 of 2023.

... Respondent

A.Mathiyarasu

...Petitioner/Intervener
/ Defacto Complainant
In CRL MP(MD)No. 16765 of 2023

For Petitioner : Mr.C.Ezhilarasu,Advocate for
Mr.John Robert Kennedy.M,Advocate.

For Respondent : Mr.R.Suresh Kumar,
Government Advocate (Crl.Side)

For Intervenor : Mr.S.Pandiyaraj,Advocate.
In CRL MP(MD)No. 16765 of 2023

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

PRAYER :-

For Anticipatory Bail in Crime No. 1143 of 2023 on the file of the respondent

Police.

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



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ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 394, 395 and 506(ii) of IPC in Crime No.1143 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is a student. He is studying in American College, Madurai. On 14.09.2023, when he was standing in Karisalkulam Bus Stop and handing over his cell phone to his friend namely, Sangeetha, two unknown persons came in a two wheeler and snatched his mobile phone and took him in their bike at knife point to a place, which was already A1 and A2 waiting. In that place, they snatched 1 sovereign of gold chain, 2 gram of gold ring and another mobile phone. Further, they assaulted him with stone and stick and caused injuries. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Hence, he seeks anticipatory bail.



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4. The learned counsel for the Intervenor would submit that the accused persons attacked the defacto complainant on his head with stone and stick and caused severe injuries. Further, snatched the gold chain, gold ring and 2 mobile phones. Thereafter, they consumed alcohol away from the occurrence place. In the mean time, the defacto complainant escaped from that place and went to the house by an Auto. He would further submit that the petitioner is tried to escape from the investigation by filing this petition and tried to convert the occurrence as a ladies matter. The property is not yet recovered. In such circumstances, if the petitioner is released on bail, he may tampering the evidence. Hence, he strongly objected to grant anticipatory bail to the petitioner.

5. The learned Additional Public Prosecutor appearing for the respondent police would submit that A2 was already arrested and remanded to judicial custody and his confession statement was recorded. He would further submit that the investigation is not yet completed and the stolen property is not yet recovered. Hence, he strongly objected to grant anticipatory bail to the petitioner.

6. Considering the gravity of the offence this Court is not inclined to grant anticipatory bail to the petitioner.



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7. Accordingly, this Criminal Original Petition is dismissed.

sd/-
07/12/2023

/ TRUE COPY /

/12/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS
TO

- 1 THE INSPECTOR OF POLICE
D2 SELLUR POLICE STATION, MADURAI DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.21224 of 2023
Date :07/12/2023

PKP/VR/SAR- /18.12.2023/ 4P/ 3C
Madurai Bench of Madras High Court is issuing certified
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