



CRL OP(MD) No.272 of 2024

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

Tuesday, the Ninth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.272 of 2024

ARJUN

... Petitioner / Accused No.1

Vs

THE INSPECTOR OF POLICE
KOTTAR POLICE STATION,
KANYAKUMARI DISTRICT.
(CRIME NO.309 OF 2023)

... Respondent / Complainant

For Petitioner : M/S.B.Micheal Sebastin, Advocate

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

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

PRAYER : FOR BAIL IN CRIME NO.309 OF 2023 ON THE FILE OF THE
RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner/A1, who arrayed as accused was arrested and remanded to
judicial custody on 27.10.2023 for the offences punishable under Sections 341, 294(b),
307 and 506(ii) of IPC in Crime No. 309 of 2023, on the file of the respondent police



CRL OP(MD) No.272 of 2024

seeks bail.

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2.The case of the prosecution is that due to previous enmity between the petitioner and the defacto complainant on 27.10.2023, the petitioner along with other accused waylaid the son of the defacto complainant and abused him in filthy language and assaulted him with handle of aruval and caused severe injuries. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He would further submit that this is the second bail petition. Earlier petition filed by the petitioner in CrI.OP(MD)No.22400 of 2023 was dismissed by this Court on 12.12.2023. The injured was discharged form the hospital and the petitioner is in judicial custody from 27.10.2023. Hence, he prays for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor for the State would submit that already the petitioner committed the sexual assault upon the one of the daughter of the defacto complainant. In that case, the petitioner was arrested and released on bail. However, he continuously made threat to the defacto complainant and her family members to withdraw the said case. Even though, the injured was discharged from the hospital, there is no change of circumstance and he vehemently opposed to grant bail to the petitioner.



CRL OP(MD) No.272 of 2024

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5. Heard the learned counsel on either side and perused the material records of the case.

6. Considering the above facts and circumstances of the case and also considering the fact that there is no change of circumstance, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, this Criminal Original Petition is dismissed.

sd/-
09/01/2024

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/01/2024
Sub-Assistant Registrar
(C.S. I / II / III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

To

1. The Inspector of Police,
Kottar Police Station,
Kanyakumari District.

2. The Superintendent,
Central Jail,
Palayamkottai,
Tirunelveli District.

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



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CRL OP(MD) No.272 of 2024

ORDER

IN

CRL OP(MD) No.272 of 2024

Date :09/01/2024

ED/ JGB /SAR- (19/01/2024) 4P / 4C

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