



CRL OP(MD) No.1405 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Monday, the Twelfth day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.1405 of 2024

S.IYYAPPAN

... Petitioner / Petitioner /
Petitioner / Accused No.1

Vs

THE INSPECTOR OF POLICE
ANJUGRAMAM POLICE STATION,
KANYAKUMARI DISTRICT.
(CRIME NO.271/2022)

... Respondent / Respondent /
Respondent / Complainant

For Petitioner : M/s.S.Saravana Kumar, Advocate

For Respondent : Mr.S.Manikandan,
Government Advocate (Crl. Side)

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

PRAYER :

FOR ANTICIPATORY BAIL IN CRIME NO.271/2022 ON THE FILE OF
THE RESPONDENT POLICE



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ORDER: The Court Made the following order :-

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The petitioner, who apprehends arrest at the hands of the respondent Police for the alleged offence under Sections 120b, 147, 148, 294(b), 447, 427, 323, 379 and 506(ii) IPC in Crime No.271 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is a differently abled person 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 the said Rajendraprasath. Hence, the present complaint has been registered.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and he has been falsely implicated in this case.

4.The learned Government Advocate (Crl.side) appearing for the respondent Police would submit that this is the third anticipatory bail application and the earlier application filed in Crl.O.P(MD).No.22545 of 2023 was dismissed on 10.01.2023 on the ground that the petitioner is having three previous cases and the second



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application filed in CrI.O.P(MD).No.2334 of 2023 was dismissed as withdrawn on 08.02.2023. Now, the present petition has been filed by the petitioner with referring the change of circumstances to consider the case.

5. In this case, occurrence had taken place in the year 2022, however, the respondent Police did not take effective steps to recover the 8 ½ sovereigns of gold chain, cash and a mobile phone worth about Rs.3,77,000/- of said Rajendraprasath and the accused persons were not secured till date. Hence, the concerned Deputy Superintendent of Police, was directed to appear before this Court on 12.02.2024, to explain as to why the Police officers did not take effective steps to recover the stolen articles and to secure the accused persons, though the earlier application was dismissed by this Court one year back. The concerned Deputy Superintendent of Police has appeared before this Court.

6. Considering the facts and circumstances of the case and the previous antecedents of the petitioner and the fact that this application is filed by the petitioner without referring the change of circumstances to consider the case, this Court is not inclined to grant anticipatory bail to the petitioner. However, there shall be a direction to the respondent Police to complete the investigation and if the articles were stolen, the same shall be recovered from the accused persons by the Police within a period of two weeks from the date of receipt of a copy of this order.



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7. Accordingly, this Criminal Original Petition is dismissed.

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sd/-
12/02/2024

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/02/2024
Sub-Assistant Registrar
(C.S. I / II / III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SSB

To

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

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

+1 CC to M/s.S.SARAVANA KUMAR, Advocate (SR-1741[I] dated 13/02/2024)

ORDER

IN

CRL OP(MD) No.1405 of 2024

Date :12/02/2024

ED/ JGB /SAR- (21/02/2024) 4P / 4C

Madurai Bench of Madras High Court is issuing certified copies in this format from
17/07/2023