



CRL OP(MD) No.2476 of 2024

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

Friday, the Sixteenth day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2476 of 2024

ANBU @ ANBAZHAGAN

... PETITIONER / 1st ACCUSED

Vs

THE INSPECTOR OF POLICE
ARALVOIMOZHI POLICE STATION,
ARALVOIMOZHI,
KANNIYAKUMARI DISTRICT.
(CRIME NO.145 OF 2023)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.N.PRAGALATHAN Advocate

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

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

PRAYER:

To enlarge the petitioner herein on bail in connection with the case in S.C.No.312 of 2023 on the file of the Principal Sessions Court, Kanniyakumari District at Nagercoil in Crime No.145 of 2023 on the file of the respondent police

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 16.06.2023 for the offences punishable under Sections 341, 342, 294(b), 302, 506(ii)



CRL OP(MD) No.2476 of 2024

and 120(b) IPC r/w Section 34 IPC in Crime No.145 of 2023, on the file of the respondent police, seeks bail.

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2.The case of the prosecution is that the defacto complainant is the wife of the deceased. There are four accused involved in this case and the petitioner is arrayed as A1. The deceased had illegal affair with the wife of the brother of the first accused/petitioner, due to which, on 09.06.2023, at about 08.30 p.m., when the deceased and the defacto complainant was moving towards their house, A4 stopped the deceased motorcycle. A2 and A3 pushed down the deceased from the two wheeler. The petitioner attacked the deceased by using knife. Hence the case.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 16.06.2023. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent Police submits that 27 previous cases were pending against the petitioner, out of which, some of the cases are disposed of and now, eight previous cases are pending against the petitioner. He would further submit that there is a specific overt act against the petitioner that the petitioner has attacked the deceased by using knife. Hence, he prays for dismissal of this petition.



CRL OP(MD) No.2476 of 2024

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5. Considering the facts and circumstances of the case and the previous antecedents of the petitioner and that there is a specific overt act against the petitioner and it is alleged that he attacked the deceased by using knife, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed.

sd/-
16/02/2024

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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 PRINCIPAL SESSIONS JUDGE,
KANNIYAKUMARI DISTRICT AT NAGERCOIL
- 2 THE INSPECTOR OF POLICE
ARALVOIMOZHI POLICE STATION,
ARALVOIMOZHI,
KANNIYAKUMARI DISTRICT.
- 3 THE OFFICER INCHARGE,
DISTRICT JAIL, NAGERCOIL.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



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CRL OP(MD) No.2476 of 2024

ORDER
IN
CRL OP(MD) No.2476 of 2024
Date :16/02/2024

SS/VR/SAR- /21/02/2024/4P/5C

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