



CRL OP(MD) No.3499 of 2024

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

Tuesday, the Fifth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3499 of 2024

ARJUN

... PETITIONER / 1st ACCUSED

Vs

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

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.J.SENTHIL KUMARAIAH, Advocate

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

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

PRAYER:- PLEASED TO ENLARGE THE PETITIONER ON BAIL IN PENDING TRIAL IN S.C.No.87 OF 2024 ON THE FILE OF LEARNED PRINCIPAL DISTRICT AND SESSIONS JUDGE IN NAGERCOIL IN CR.No.309/2023 ON THE FILE OF 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),



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307 and 506(ii) of IPC in Crime No. 309 of 2023, on the file of the respondent police, 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 third bail petition. Earlier petition filed by the petitioner in Crl.OP(MD)No.22400 of 2023 and 272 of 2024 were dismissed by this Court on 12.12.2023 and 09.01.2024 respectively. The injured was discharged from 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



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the hospital, there is no change of circumstance and he vehemently opposed to grant bail to the petitioner.

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/-
05/03/2024

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/03/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU
TO
1 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
NAGERCOIL.

2 THE OFFICER INCHARGE,
SUB JAIL, NAGERCOIL.

3 THE INSPECTOR OF POLICE
KOTTAR POLICE STATION,
KANYAKUMARI DISTRICT.



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4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.3499 of 2024
Date :05/03/2024

SA/GS/SAR. /21.03.2024/4P/5C

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