



CRL OP(MD) No.4062 of 2024

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

Thursday, the Fourteenth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.4062 of 2024

MARIA ANTHONY ARKINAS @ ARK ... PETITIONER / ACCUSED No.2

Vs

THE INSPECTOR OF POLICE
PERUMALPURAM POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO.37/2023.

... RESPONDENT/ COMPLAINANT

For Petitioner : MR.P.SAMUEL GUNASINGH, Advocate

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

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

PRAYER:

FOR BAIL IN CRIME NO.37/2023 ON THE FILE OF THE RESPONDENT
POLICE.

ORDER : The Court Made the following order :-



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The petitioner, who is arrayed as accused, was arrested and remanded to Judicial Custody on 26.01.2023 for the offence under Sections 457, 336, 397 and 506(ii) IPC in Crime No.37 of 2023 , seeks bail.

2.The case of the prosecution is that on 25.01.2023, at about 09.00 pm., when the defacto complainant and his children were at their home, the accused persons trespassed into their house, threatened and assaulted them using deadly weapon and tried to outraged the modesty of the defacto complainant's daughter. Subsequently, they robbed gold jewels and two watches, worth about Rs.5,26,000/-. Hence the case.

3.The learned counsel appearing for the petitioner would contend that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. The earlier bail applications filed by the petitioner were dismissed on 30.11.2023 and 10.01.2024. Thereafter, an identification parade was conducted and the petitioner was not identified by any witnesses. Further, the co-accused were release on bail by this Court and the concerned trial Court also. He would further submit that the petitioner is in custody from 26.01.2023, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that this is the third petition for bail before this Court and the petitioner is having five previous cases in similar nature and there is no change in circumstances. Hence, the opposed to grant bail to the petitioner.



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5. Heard both sides and perused the materials available on record.

6. Considering the facts and circumstances and also considering the seriousness of the offence committed by the petitioner, the previous bad antecedents of the petitioner and there is no change in circumstance, this Court is not inclined to grant bail to the petitioner. Accordingly, this criminal original petition is dismissed.

sd/-
14/03/2024

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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 INSPECTOR OF POLICE
PERUMALPURAM POLICE STATION, TIRUNELVELI DISTRICT.
- 2 THE SUPERINTENDENT
CENTRAL JAIL, PALAYAMKOTTAI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.4062 of 2024
Date :14/03/2024

PKP/VR/SAR /21.03.2024/ 3P/ 4C
Madurai Bench of Madras High Court is issuing certified
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