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CRL OP(MD). No.728 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/01/2024

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.728 of 2024

Praveenkumar

... Petitioner/ Accused No.2

Vs

State represented through
The Inspector of Police,
Puliangudi Police Station,
Tenkasi District.
Crime No.429 of 2023.

... Respondent/ Complainant

For Petitioner : Mr.V.KATIRVELU, Senior Counsel
for Mr.K.PRABHU, Advocate
For Respondent : Mr.R.SURESH KUMAR,
Government Advocate (Crl.side)

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

PRAYER :- For Anticipatory Bail in Crime No.429 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ Accused No.2 herein, apprehending arrest at the hands of the respondent Police for the alleged offence punishable under 4(1-A) of Tamil Nadu Prohibition Act in Crime No.429 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant lodged a



CRL OP(MD). No.728 of 2024

complaint stating that the first accused was carrying plastic cans and bags containing fermented wash. Based upon which, the present case has been registered.

3. The learned counsel for the petitioner submitted that this is second anticipatory bail application and by this time, investigation is over. He prays for grant of anticipatory bail.

4. The learned Government Advocate (Crl.side) would submit that no sample was taken and sent for getting chemical analysis report.

5. As per the submission of the learned Senior Counsel appearing for the petitioner, only bailable offence is made out.

6. Heard both sides and perused the records.

7. On 08.11.2023, this Court dismissed the anticipatory bail petition filed by the petitioner. Paragraph Nos.6 and 7 of the order dated 08.11.2023 are extracted herein under:

"6. Per contra, the learned Additional Public Prosecutor would submit that the petitioner is involved in four previous cases viz., (i) Crime No.291 of 2023 for the offences under Sections 379 and 427 IPC on the file of the Puliyangudi Police Station; (ii) Crime No.28 of 2021 for the offences under Sections 120(b),147,148,341, 294(b), 506(ii), 302 IPC r/w



CRL OP(MD). No.728 of 2024

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149, 109 IPC on the file of the KV Nallur Police Station; (iii) Crime No.447 of 2020 for the offences under Section 294(b), 341, 506(i) IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act on the file of the KV Nallur Police Station and Crime No.44 of 2023 for the offences under Section 294(b), 353 and 506(ii) IPC on the file of the Chinnakovilakulam Police Station.

7. The fact remains that the petitioner is involved the offence punishable under Section 302 IPC, which is a major offence. The person, who involved in such a heinous offence is not entitled for the discretionary relief of anticipatory bail".

8. Considering the fact that the petitioner is involved the offence under Section 302 IPC, this Court has already dismissed the earlier petition filed by the petitioner. Now, the second anticipatory bail application is filed on the ground that investigation is over.

9. Considering the bad antecedents of the petitioner, this Court is not inclined to grant anticipatory bail to the petitioner.

10. However, the petitioner shall to surrender before the concerned Court and seek regular bail.



CRL OP(MD). No.728 of 2024

11. Accordingly, this criminal original petition stands dismissed.

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

CM
TO
1 THE INSPECTOR OF POLICE,
PULIANGUDI POLICE STATION, TENKASI DISTRICT.

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

+1 CC to M/s.K.PRABHU, Advocate (SR-1026[I] dated 24/01/2024)

ORDER IN
CRL OP(MD) No.728 of 2024
Date :24/01/2024

SA/JGB/SAR. /07.02.2024/4P/4C

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