



CRL OP(MD). No.13388 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/08/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.13388 of 2023

and

CrI.M.P(MD) Nos.11684 and 11285 of 2023

Samson

... Petitioner/Sole Accused

Vs

1 The State, through
The Inspector of Police,
Ambathurai Police Station,
Dindigul District.
(Crime No.73 of 2023).

... Respondent/Complainant

2 S.Ponciya

...Petitioner/Intervener
in CRL.M.P.(MD) No.11285 of 2023

For Petitioner : Mr.D.Balamuruga Pandi,
Advocate.

For Respondent : Mr.R.Suresh Kumar
Government advocate(Criminal Side)

For Intervenor : Mr.K.Ragatheesh Kumar, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.73 of 2023 on the file of the Respondent Police.

<https://www.mhc.tn.gov.in/judis>



CRL OP(MD). No.13388 of 2023

WEB COPY

ORDER : The Court made the following order :-

The petitioner/sole Accused, apprehending arrest at the hands of the respondent Police for the alleged offence punishable under Sections 294(b), 341, 326, 506(ii) and 307 IPC in Crime No.73 of 2023 on the file of the respondent Police, seeks anticipatory bail. (The above said offences are corrected as per the alteration report)

2.The case of the prosecution is that the defacto complainant and the peititoners were doing borewell digging business and because of difference of opinion, they seperated. Therefore, they are having previous enmity in respect of partitioning joint properties. On 29.05.2023 at about 9.00 p.m., when the defacto complainant was going to his house in his two wheeler, the petitioner intercepted him, picked up quarrel stated that he is spoiling his business and caused assault with aruval. The defacto complainant was taken to the hospital, from where, the statement was recorded, case is registered.



CRL OP(MD). No.13388 of 2023

WEB COPY

3. Heard both side and perused the materials available on record including the First Information Report.

4. The learned counsel for the petitioner would submit that because of business rivalry between himself and the defacto complainant, the false complaint has been given against the petitioner. The defacto complainant is the own brother of the petitioner.

5. The learned Government Advocate (Crl.Side) would submit that the enquiry is pending now.

6. The learned counsel for the intervenor would submit that the above said weapon, which was used by the petitioner was poisoned. Further, some of the supporter of the petiitoner alleged to have caused threat to the defacto complainant's wife on 27.07.2023, over which, C.S.R.No.220 of 2023 has been registered.

7. In the photograph, the nature of injury sustained by the defacto complainant appears to be very serious in nature. Considering the gravity of offence and also



CRL OP(MD). No.13388 of 2023

considering the manner, in which the assault said to have taken place, this petitioner is not entitled for any relief.

WEB COPY

8. In the result, the petition stands dismissed. Consequently, the Miscellaneous Petitions in Crl.M.P(MD) Nos.11684 of 2023 is closed and Crl.M.P(MD) No.11285 of 2023 is allowed.

sd/-
16/08/2023

/ TRUE COPY /

/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU

TO

- 1 THE INSPECTOR OF POLICE
AMBATHURAI POLICE STATION DINDGIUL DISTRICT
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.D.BALAMURUGAPANDI, Advocate (SR-12350[I] dated 17/08/2023)



WEB COPY



CRL OP(MD). No.13388 of 2023

ORDER
IN
CRL OP(MD) No.13388 of 2023
and
Crl.M.P(MD) No.11684 of 2023
Date :16/08/2023

SSA/DD/20.10.2023/5P/4C

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