



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/12/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.20763 of 2021

G.Duraiarasan,

... Petitioner/Sole Accused

Vs

The State Rep. by,
The Inspector of Police,
Vaiyampatti Police Station,
Trichy District.
Cr.No. 479 of 2021.

... Respondent/Complainant

For Petitioner : Mr.C.Susi Kumar, Advocate.

For Respondent : Mr.S.Manikandan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.479 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 324, 427, 506(ii) IPC, in Crime No.479 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that due to previous motive, with regard to money transaction, on 10.12.2021, the accused persons had assaulted the *defacto* complainant with knife, criminally threatened him and also caused damages to the two wheeler, which was parked near the place of occurrence. Hence, the complaint.

3.The learned counsel for the petitioner would submit that it is a case in counter, based upon the complaint given by the petitioner, the counter case was registered in Crime No.478 of 2021 against the *defacto* complainant and that the injured was discharged from the hospital. Hence, prays to release him on anticipatory bail.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that based upon the complaint given by the



petitioner, case in counter was registered in Cr.No.478 of 2021 for the offences under Sections 294(b), 323 and 506(ii) IPC against the *defacto* complainant and in this case injured was discharged from the hospital.

5. Reading of the FIR shows that because of money transaction dispute between the parties on 10.12.2021 at about 03.30PM, while the *defacto* complainant was standing along with Sivanesan, accused persons came there and demanded money back and also criminally intimidated them. Again on the same day at 09.00PM the accused persons assaulted him with wooden logs, criminally intimidated him and abused in filthy language and caused damages to the two wheeler, which was parked near the place of occurrence.

6. Reading of counter FIR shows that on 14.11.2021 at about 04.30PM, when this petitioner was standing near the temple, he was assaulted by the *defacto* complainant and demanded money back. But this incident is much before the incident took place in the present FIR. Hence, it cannot be considered as case in counter.

7. Considering the facts and circumstances of this case, that the injured was discharged from the hospital, that there was previous enmity between them, this Court is inclined to grant anticipatory bail to the petitioner.

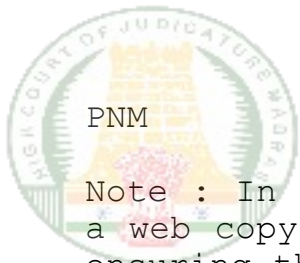
8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, before the learned Judicial Magistrate, Manapparai and on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Magistrate concerned; the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of the Crime No.479 of 2021, before the Trial Court, within a period of two weeks from the date of receipt of the order copy and the petitioner shall appear before the respondent police daily at 10.30 am for a period of one month and thereafter, as and when required for interrogation. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

9. The petitioner shall appear before the concerned Magistrate within a period of fifteen days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
23/12/2021

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



PNM

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE JUDICIAL MAGISTRATE,
MANAPPARAI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE,
VAIYAMPATTI POLICE STATION,
TRICHY DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.20763 of 2021

Date :23/12/2021

PKP/PN/SAR-2/05.01.2022/3P/5C