



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 05/01/2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice G.ILANGO VAN
CRL OP(MD) . No.66 of 2022

1. Sekar

2. Roselin

... Petitioners/Accused Nos.1 & 2

Vs

The state represented by
The Inspector of Police,
Subramaniapuram (C2) Police Station,
Madurai.

Cr.No.680 of 2021.

... Respondent/Complainant

For Petitioners: Mr.P.Balamurugan,
Advocate.

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

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

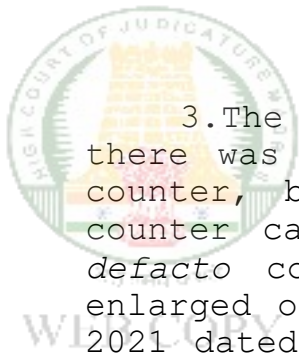
PRAYER :-

For Anticipatory Bail in Crime No. 680 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 120(B), 147, 294(b), 379, 447 and 506(ii) IPC, in Crime No.680 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the *defacto* complainant was running a cafe and he is a sub-lessee of one Veeramani and there was dispute between Veeramani and erstwhile sub-lessee viz., Sekar and because of above said issue, civil suit also pending and during the pendency of the suit, on 29.11.2021 at about 4.00PM, trouble arose between two groups, and the accused persons had taken away articles worth about Rupees Two Lakhs from the premises. Knowing the same, the *defacto* complainant came there and trouble arose between them. Hence, the complaint.



3.The learned counsel for the petitioners would submit that there was civil dispute between the parties and it is a case and counter, based upon the complaint given by the petitioners, the counter case was registered in Crime No.681 of 2021 against the defacto complainant party and the accused in counter case were enlarged on bail by this Court in Crl.OP(MD)Nos.20989 and 21032 of 2021 dated 29.12.2021. Hence, prays to release the petitioners on anticipatory bail.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that based upon the complaint given by the petitioners, case and counter was registered in Cr.No.681 of 2021, against the defacto complainant party and in this case the accused persons had stolen articles worth about Rupees Two Lakhs and properties not yet recovered.

5.Reading of the FIR and counter case FIR shows that both parties had taken away articles from the disputed property, because there was civil dispute between the parties and civil suit also pending. It is a matter for investigation, in respect of persons, who had actually committed theft in the above said premises.

6.In the light of the above said facts and circumstances of this case, nature of civil dispute between the parties, that it is a case and counter and that the accused in counter case were already enlarged on bail by this Court, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, before the learned Judicial Magistrate No.IV, Madurai and on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Magistrate concerned and the petitioners 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 petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

8.The petitioners 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/-
05/01/2022

/ TRUE COPY /

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



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.

WEB COPY

- TO
- 1 THE JUDICIAL MAGISTRATE NO.IV,
MADURAI.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
 - 3 THE INSPECTOR OF POLICE
SUBRAMANIAPURAM C2 POLICE STATION, MADURAI.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S. BALAMURUGAN.P. Advocate SR.No.94

ORDER
IN
CRL OP(MD) No.66 of 2022
Date :05/01/2022

SS/PN/SAR-IV/11.01.2022 : 3P/6C