



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/01/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.451 of 2022

K.Kumar

... Petitioner/Accused

Vs

State rep.by

The Sub Inspector of Police,
Thirumangalam Taluk Police Station,
Madurai District.

(Crime.No.278/2021.

U/s.294(B) and 307 IPC.).

... Respondent/Complainant

For Petitioner : M/s.Gunaseelanmuthiah J, Advocate.

For Respondent : M/s.SS.Madhavan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory bail in Crime No.278/2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b) and 307 I.P.C, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 22.11.2021, due to property dispute, the petitioner assaulted the defacto complainant's husband by using wooden log, thereby, he suffered grievous injuries. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. The petitioner and the defacto complainant's husband are brothers.



4. The learned Government Advocate (Crl. Side) for the respondent police submitted that due to property dispute between the parties, the petitioner assaulted the husband of the defacto complainant. The injured is none other than the brother of the petitioner. The injured person has been discharged from the hospital.

5. Considering the nature of offence, the overt act attributed against the petitioner, the injured person has been discharged from the hospital and the petitioner and the injured are brothers and the issue is only property dispute, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this Criminal Original Petition is allowed and petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate, Madurai, on condition that the petitioner shall execute 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. Due to COVID-19 pandemic situation, the petitioner shall appear before the respondent police before the respondent police once in a month at 10.30 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

Sd/-
12/01/2022

/ TRUE COPY /

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

LS

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,
MADURAI.

2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

3. THE SUB-INSPECTOR OF POLICE,
THIRUMANGALAM TALUK POLICE STATION,
MADURAI DISTRICT.

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

+1. CC to M/S.GUNASEELANMUTHIAH J Advocate SR.No.1534

ORDER

IN

CRL OP(MD) No.451 of 2022

Date :12/01/2022

SP/JC/SAR I/21/01/2022/2P/6C