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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/01/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . No.1142 of 2022

1. Nithya
2. Manikandan
3. Jeyaraj

... Petitioners/Accused No.1 to 3

Vs

State rep.by
The Inspector of Police,
Nagamalai Pudukkottai
Police Station,
Madurai.
(Crime No.15/2022).

... Respondent/Complainant

Aruntamizharasan

... Petitioner/Intervener/
Defacto Complainant
(in Crl.MP(MD)No.1115/2022)

For Petitioners : M/s. Mahendrapathy S, Advocate.

For Respondent : M/s.S.Manikandan,
Government Advocate (Crl.Side)

PRAYER :-

For Anticipatory Bail in Crime No.15 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/ Accused Nos.1 to 3, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 323, 324, 307 and 506(i)I.P.C., on the file of the respondent police, seek anticipatory bail.



2. The case against the petitioner is that on 10.01.2022, at about 9.40 a.m., the first accused abused the defacto complainant and threatened him with dire consequences. The second accused attacked the defacto compensation with iron rod and the third accused attacked the defacto complainant and caused injuries. A case in Crime No.15 of 2022, under Sections 294(b), 323, 324, 307 and 506(i) I.P.C. The petitioner filed this petition for anticipatory bail.

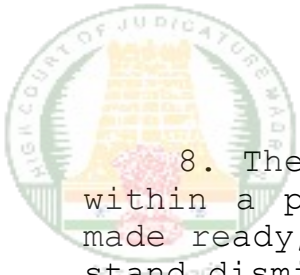
3. On the side of the petitioner, it is stated that only due to a civil dispute, a false case was foisted against the petitioners. Injured was discharged from the hospital. The C.C.T.V footage was not verified by the police. There is no previous case against the petitioners and prayed the petitioners to be released on anticipatory bail.

4. On the side of the intervenor/ defacto complainant, it is stated that the defacto complainant is an Advocate, the first and the second accused are husband and wife and the third accused is the father of the second accused. The house of the third accused is opposite to the house of the defacto complainant. There is no property dispute between them. The defacto complainant has no objection in releasing the accused Nos.1 and 3. But, the second accused is the prime accused. The petitioners damaged the image of the defacto complainant, who is an Advocate, and prayed the petition to be dismissed.

5. On the side of the prosecution, it is stated that totally three accused involved in the offence. The petitioners attacked the defacto complainant with iron rod and wooden log and caused him injuries and prayed the petition to be dismissed.

6. It is seen that the injured was discharged from the hospital. Considering the submission made by both the parties, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate No.IV. Madurai, on condition that the petitioners shall execute 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 1 and 3 / A1 & A3 shall appear before the concerned Court daily at 10.30 am for a period of 30 days and thereafter, as and when required for interrogation and the second petitioner/A2 shall appear before the respondent police daily at 10.30 a.m. until further orders. 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 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

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Sd/-
27/01/2022

/ TRUE COPY /

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

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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 NO.IV,
MADURAI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
NAGAMALAI PUDUKOTTAI POLICE STATION,
MADURAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.1142 of 2022
Date :27/01/2022

SP/PA/SAR II/04/02/2022/3P/5C