



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/02/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.1183 of 2022

1. Selvarasu
2. Kalpana
3. Kamalam

... Petitioners/Accused No.1 to 3

Vs

State rep.by
The Inspector of Police,
Musiri Police Station,
Musiri, Trichy District.
(Crime No.11 of 2022).

... Respondent/Complainant

For Petitioners: M/s.T.Prabu, Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.11 of 2022 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 294 (b), 323, 324, 506(i) IPC r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.11 of 2022, seek anticipatory bail.

2.The case of the prosecution is that there was pathway dispute between the brothers, due to which, both parties engaged themselves in assaulting each other and also threatened with dire consequences. Hence, the complaint.



3.The learned counsel for the petitioners would submit that it is a case in counter, based upon the complaint given by the petitioners, the counter case was registered in Crime No.10 of 2022 against the defacto complainant party and that the injured was discharged from the hospital. Hence, prays to release them 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 in counter was registered in Cr.No.10 of 2022 for the offences under Sections 294(b), 323, 324, 506(i) IPC r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act against the defacto complainant party and in both the cases injured were discharged from the hospital.

5.Considering the facts and circumstances of this case, pathway dispute between the brothers, that the injured were discharged from the hospital, in both the cases and it is a case in counter, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, before the learned Judicial Magistrate, Musiri 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.

7.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/-
01/02/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.I)
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.

TO

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

ORDER
IN
CRL OP (MD) No.1183 of 2022
Date :01/02/2022

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