



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 16/03/2022
PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.4182 of 2022

1. Ganapathy
2. N.Naveen
3. Selvan @ selvaraj

... Petitioners/Petitioners/
Petitioners/Petitioners/A1,A4,A8

Vs

The State rep.by
The Inspector of Police,
Karaikudi North Police Station,
Karaikudi,
Sivagangai District.
(Crime No.630/2021).

... Respondent/Respondent/
Respondent/Respondent/Complainant

For Petitioner : M/s.THIRUVARUTSELVAN.G,
Advocate.

For Respondent : Mr.SS.MADHAVAN,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.630 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused No.1,4&8, apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 342, 323, 324 & 506(ii) of IPC, in Crime No.630 of 2021 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to the previous motive with regard to the Rekla Race, the petitioners said to have abused the defacto complainant in filthy language, also assaulted him with iron rod and plastic pipes, caused injuries to him. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that earlier anticipatory bail application that was filed by the petitioners was dismissed by this Court, in Crl.OP(MD)No.20390 of 2021, dated 21.12.2021.



4. The learned Government Advocate (Crl. Side) for the respondent police submitted that it is a dispute between the parties with regard to conducting Rekla Race. on earlier application that was filed by the petitioners was dismissed by this Court on the ground that the petitioners are involved in previous cases. He would further submit that the injured persons sustained simple injuries and discharged from the hospital and it is a case and case in counter.

5.The learned counsel for the petitioners would submit that the subject matter is involving case in counter. In respect of single occurrence, case in Crime No.630 of 2021 has been registered on the basis of the complaint given by one Ganesh against one Ganapathy and group. On the basis of the complaint given by one Sembulingam, case was registered against Ganesan and party in Crime No.631 of 2021.

6.Reading of both the FIRs, show that the dispute arose between the parties with regard to conducting Rakla Race. Both the parties have sustained injuries and both the parties said to have abused and assaulted each other.

7.Considering the facts and circumstances of the case and also considering the fact that the injured persons have been discharged from the hospital and it is a case and case in counter, this Court is inclined to grant anticipatory bail to the petitioners.

8.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, Karaikudi, 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 shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

9.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 stands dismissed.

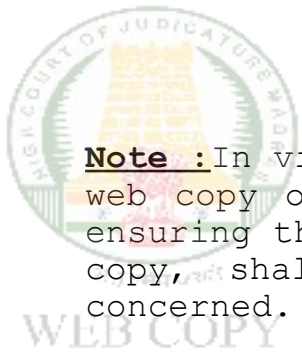
sd/-

16/03/2022

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/ /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.

TO

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

+1. CC to M/S.THIRUVARUTSELVAN.G, Advocate SR.No.2232

ORDER

IN

CRL OP(MD) No.4182 of 2022

Date :16/03/2022

SA/PN/SAR.4/21.03.2022/3P/6C