



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/06/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP (MD) . Nos.9659 and 9662 of 2022

1. K.Sundaramoorthy,

2. Rajam,

...Petitioners/Accused Rank Not Known
in Crl.O.P.(MD) No.9659 of 2022

M.K.Muthukkumaran

... Petitioner /Accused Rank Not known
in Crl.O.P.(MD) No.9662 of 2022
Vs

THE STATE REP BY,
The Inspector of Police,
M.Chatrapatti Police Station,
Madurai District.
Crime.No. 42 of 2022.

... Respondent/Complainant
in both Petitions

For Petitioners
in both Petitions : Mr.R.Pon Karthikeyan,Advocate.
For Respondent
in both Petitions: Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 42 of 2022 on the file of the Respondent police.

COMMON ORDER : The Court made the following order :-

The petitioners are facing charges under Sections 294(b), 452, 323 and 506(ii) I.P.C. and Section 4 of TNPWH Act, in Crime No.42 of 2022 on the file of the respondent police.

2.It is a case and counter. Reading of the FIR in both the matter shows that on 22.05.2022 at about 05.00 pm., the 1st petitioner in Crl.O.P.(MD) No.9659 of 2022 trespassed into the shop of the defacto complainant and assaulted her. Based upon the complaint given by the defacto complainant, the present case has been registered.



3.Further, based upon the complaint given by the 1st petitioner in Crl.O.P.(MD) No.9659 of 2022, a case was registered. Reading of the counter FIR shows that trouble has arisen between the parties with regard to the aforesaid issue. It is also seen that on the previous occasion, there was an issue between them, regarding which the case was registered and trial was also undertaken before the concerned Magistrate Court, Madurai. In pursuance of the aforesaid previous enmity, the present occurrence said to have been taken place.

4.The learned Government Advocate (Crl.side) for the respondent submits that as against the petitioner in Crl.O.P.(MD) No.9662 of 2022, a case in Crime No.263 of 2018 for the offences punishable under Sections 294(b), 420 and 506(i) of IPC and Section 4 fo TNPWH Act is pending. Insofar as the petitioners in Crl.O.P.(MD) No.9659 of 2022 are concerned, no previous bad antecedents is reported against them.

5.Considering the fact that the petitioner in Crl.O.P.(MD) No.9662 of 2022 is having one previous case and no previous bad antecedents is reported against the petitioners in Crl.O.P.(MD) No.9659 of 2022, this Court is inclined to grant anticipatory bail to the petitioners Crl.O.P.(MD) No.9659 of 2022.

6.Accordingly, Crl.O.P.(MD) No.9659 of 2022 is allowed and the petitioners in Crl.O.P.(MD) No.9659 of 2022 are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate No.V, Madurai on condition that the petitioners in Crl.O.P.(MD) No.9659 of 2022 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 in Crl.O.P.(MD) No.9659 of 2022 shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioners in Crl.O.P.(MD) No.9659 of 2022 shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7.The petitioners in Crl.O.P.(MD) No.9659 of 2022 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. Crl.O.P.(MD) No.9662 of 2022 is dismissed.

sd/-
27/06/2022

/ TRUE COPY /

/07/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE JUDICIAL MAGISTRATE NO.V
MADURAI.

2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE
M.CHATRAPATTI POLICE STATION,
MADURAI DISTRICT.

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

ORDER
IN
CRL OP (MD) No.9659 &
9662 of 2022
Date :27/06/2022

PKP/JM/SAR-2/08.07.2022/3P/5C