



WEB COPY

CRL OP(MD).



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/06/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . No.9747 of 2022

1.Uthayakumar
2.Kesavakumar
3.Gajendirakumar

... Petitioners/Accused
Nos.1 to 3

Vs

State rep.by
The Inspector of Police,
Mandalamanickam Police Station,
Ramanathapura District.
(In Crime No.27 of 2022).

... Respondent/Complainant

For Petitioners: Mr.C.Anand, Advocate.

For Respondent : Mr.M.Muthumanikkam
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory bail in Crime No.27 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 and 506(2) IPC in Crime No.27 of 2022, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to family dispute between both the parties, on 14.05.2022, at about 11.00 p.m., while the de-facto complainant was sleeping in the goat shed, all the accused came there and abused the de-facto complainant in filthy language and also attacked him. Hence, the case has been registered against the petitioners.

3.The learned counsel for the petitioners submits that the petitioners are innocent and they have not committed any offence as

<https://www.mhc.tn.gov.in/judis>



alleged by the prosecution. He further submits that the counter is pending against the de-facto complainant.

4.The learned Government Advocate (criminal side) appearing for the respondent submits that the injured was discharged from the hospital and the petitioner/A3 is having three previous cases.

5.At this juncture, the learned counsel appearing for the petitioners seeks permission of this Court to not press this petition as against the petitioner/A3 is concerned and he has also made an endorsement to that effect. In view of the same, this petition is dismissed as not pressed as against the petitioner/A3 is concerned.

6.Considering the nature of the allegation levelled against the petitioners and considering the facts that the injured was discharged from the hospital and that the counter case is pending against the de-facto complainant, this Court is inclined to grant anticipatory bail to the petitioners 1 and 2 with certain conditions.

7.Accordingly, the petitioners 1 and 2 are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate Court, Kamuthi, 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 on further condition that the petitioners 1 and 2 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 1 and 2 shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

8.The petitioners 1 and 2 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.

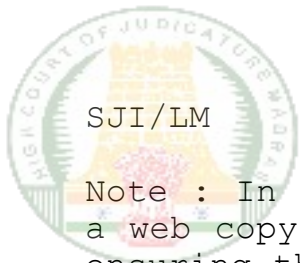
Sd/-
02/06/2022

***Amended as per order of this Hon'ble
Court dated 06/07/2022 in CrI MP(MD)No.
7451 of 2022 in CrI OP(MD)No. 9747 of
2022 by GIJ**

/ TRUE COPY /

/07/2022

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



SJI/LM

CRL OP(MD).



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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

TO BE SUBSTITUTED WITH THE ORDER DATED 02/06/2022 ALREADY DESPATCHED

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

ORDER

IN

CRL OP(MD) No.9747 of 2022

Date :02/06/2022

SP/JM/SAR IV/06/06/2022/3P/5C
tta
PKP/SVR/SAR-2/15.07.2022/3P/5C