



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/06/2022

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PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.9821 of 2022

1.Karthick @ Karthick Kumar

2.Thirumani @ Periya Thirumani ... Petitioners/Accused No.1 & 3

Vs

State Rep.by

The Inspector of Police,

Sipcot Police Station,

Thoothukudi District.

(Crime No.176 of 2022).

... Respondent/Complainant

K.Venkatram

... Petitioner/Victim/Defacto Complainant

For Petitioners : M/s.Jeyamohan K,
Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

For Intervenor : Mr.M.Mano Kumar
Advocate

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

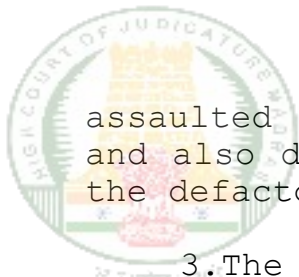
PRAYER :-

For Anticipatory Bail in Crime No.176 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused No.1 & 3, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 323, 427 & 506(ii) of I.P.C, in Crime No.176 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the owner of the lorry and all the accused persons appears to be drivers. The petitioner along with other accused said to have assaulted the driver of the defacto complainant and the same was questioned by the defacto complainant, all the accused persons



assaulted the defacto complainant and caused simple injury to him and also damaged the lorry. On the basis of the complaint given by the defacto complainant, case has been registered.

3.The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case. He would further submitted that no one has sustained injury in this case. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. Side) for the respondent police submitted that because of the dispute between the lorry owners and drivers, the above said occurrence said to have taken place. In which, the accused persons caused damage to the front glass of the lorry worth about Rs.5,000/- and assaulted the defacto complainant and others. He further submitted that no one has sustained injuries in the above said occurrence.

5.The learned counsel for the Intervenor would submit that when the defacto complainant informed the police station about the sale of Ganja by the accused persons, they started to assault and cause damage to the lorry. Accordingly, it is serious in nature and they are not entitled for anticipatory bail.

6.However, the learned counsel for the petitioners has come forward to pay a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Cr.No.176 of 2022 before the trial Court concerned.

7.Considering the facts and circumstances of the case and also considering the fact that no one has sustained injury in this occurrence and the willingness of the petitioners to pay a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime Number, this Court is inclined to grant anticipatory bail to the petitioners.

8.Accordingly, this Criminal Original Petition is allowed on condition that the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Cr.No.176 of 2022 before the trial Court concerned, without prejudice to his rights and contentions before the trial Court.

9.On such deposit being made, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate- No.III, Thoothukudi, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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.



10.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/-
23/06/2022

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.III, THOOTHUKUDI.
- 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE, SIPCOT POLICE STATION,
THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.JEYAMOHAN, Advocate (SR-6046[I] dated 23/06/2022)

ORDER
IN
CRL OP(MD) No.9821 of 2022
Date :23/06/2022

RS/VR/SAR.1 (30.06.2022) 3P-6C