



WEB COPY



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/07/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGOVAN

CRL OP(MD) . No.10866 of 2022

1. Packia Selvam
2. A.Manimurugan

... Petitioners/Accused No.1 & 2

Vs

State rep.by
The Sub Inspector of Police,
Avaniyapuram Police Station,
Madurai.
Crime.No.233 of 2022).

... Respondent/Complainant

For Petitioners : M/s.Sepana @ Sree P, Advocate

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.233 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 324, 506(ii) I.P.C and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.233 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant's husband had been running a Biryani Shop. Her sister's husband also invested Rs.1 lakh in that shop. But later he refused to share the profit, over which, on 14.04.2022 at about 2.45PM trouble arose between the parties. The accused persons abused the defacto complainant and her husband in filthy language and also assaulted them. Hence, the complaint.



3. The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case. It is a case in counter. Based on the complaint given by petitioners, a case in Crime No.234 of 2022 has also been registered against the defacto complainant. Both sustained injuries and discharged from the hospital. The learned counsel for the petitioners further submitted that the first petitioner is having one previous case under Section 420 IPC.

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that there is a money dispute between the parties. The injured sustained simple injuries and discharged from the hospital. Case in counter case has also been registered.

5. Perusal of the FIR in Crime No.234 of 2022 reveals that the facts are not related to the facts of the present case. It is totally a false one. Though, the first petitioner is having one previous case, considering the fact that the dispute is between two close relatives, that both sides got injured and discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners.

6. 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 No.6, Madurai, 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.

7. 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/-
11/07/2022

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE NO.6,
MADURAI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
3. THE SUB INSPECTOR OF POLICE,
AVANIYAPURAM POLICE STATION,
MADURAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.SEPANA @ SREE P Advocate SR.No.6882

ORDER
IN
CRL OP(MD) No.10866 of 2022
Date :11/07/2022

SP/JM/SAR III/18/07/2022/3P/6C