



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 07/07/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGOVAN

CRL OP(MD) . No.11067 of 2022

1. C.Kipson
2. Unacie Grana

... Petitioners/Accused No.1&2

Vs

The State Rep. By,
The Inspector of Police,
Vijayanarayanam Police Station,
Tirunelveli.
(Crime.No. 43 of 2022)

... Respondent/Complainant

For Petitioner : M/s.Lajapathi Roy T,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No. 43 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused No.1 and 2, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 324, 506(ii) of IPC, in Crime No.43 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to property dispute there was quarrel arose between the parties, due to which, the accused person assaulted the defacto complainant parties. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons. They were falsely implicated in this case. There is a case in counter case.



4.The learned Government Advocate (Crl. Side) the respondent submitted that there is a counter case and there was a property dispute between the parties and the injured discharged from the hospital.

5.It is a case in counter case. Reading of the counter case shows that on 26.05.2022 at about 2.00 p.m., due to a property dispute quarrel arose between the two groups of people. Hence, a complaint was launched. In pursuance of the above said complaint again a dispute arose. When the defacto complainant was in disputed property, the accused persons alleged to have assaulted them with deadly weapons and also injuries. In the counter FIR it is stated that so far this case is concerned, it has been stated that when the defacto complainant was cleaning the property, the accused person came there and picked up quarrel and assault with wooden stick, wherein, more than two persons got injured. Both the persons were discharged from the hospital.

6.But however, the petitioners are having previous cases to their credit. The previous case details also filed along with the typed set of papers. Crime No.125 of 2010 was registered in respect of the dispute with regard to the management of the School against the second petitioner. Similarly, another case in Crime No.79 of 2011 has also been registered under Sections 294(b), 323, 506(i) of IPC against the second petitioner. There was a case of assault have been, though the previous case with reference to the dispute over the Management of School. The antecedents shows that the second petitioner continuously involved in assault cases. Therefore, the second petitioner is not entitled for anticipatory bail.

7.Considering the previous antecedents of the second petitioner, this Court is not inclined to grant anticipatory bail to the second petitioner. The first petitioner is concerned he is not involved in any serious offence. Therefore, this Court is inclined to grant anticipatory bail to the first petitioner alone.

8. Accordingly, this Criminal Original Petition is allowed and the first petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate, Nanguneri, on condition that the first petitioner 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 first petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. The first petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

9. The first petitioner 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



10. This criminal original petition is dismissed in respect of the second petitioner.

sd/-
07/07/2022

WEB COPY

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/07/2022

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,
NANGUNERI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
VIJAYANARAYANAM POLICE STATION,
TIRUNELVELI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-6821[I] dated 08/07/2022)

ORDER
IN
CRL OP(MD) No.11067 of 2022
Date :07/07/2022

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USK/JM/SAR-II/14.07.2022/3P/6C