



WEB COPY



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

Date : 04/07/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.11565 of 2022

Kaleeswaran

... Petitioner/Accused No.5

Vs

State rep.by
The Inspector of Police,
Swamimalai Police Station,
Thanjavur District.
(Crime No.336/2022).

... Respondent/Complainant

For Petitioner : Mr.Ilayaraja R, Advocate.

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

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

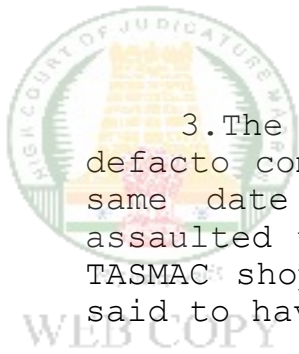
PRAYER :-

For Anticipatory Bail in Crime No.336/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner is facing charges under Sections 294(b), 323, 324 and 506(ii) IPC in Crime No.336 of 2022 on the file of the respondent police.

2.The case of the prosecution is that because of the previous enmity, on 09.06.2022 at about 05.00 pm., when the petitioner was near the wineshop, the accused persons gathered there. There was a group clash between the two village people. In pursuance of the aforesaid issue, one Vijayakumar, who is A1, caused assault to the defacto complainant's grandmother and that was intervened by the other family people. Again they were assaulted.



3.The learned counsel for the petitioner would submit that the defacto complainant's party are the aggressors, because on the very same date at about 05.00 pm., the defacto complainant's party assaulted the accused party that the occurrence took place near the TASMAR shop. As a consequence to that only, the present occurrence said to have taken place.

4.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the second FIR, which is the present FIR, has been registered on the basis of the complaint given by the defacto complainant, which is the continuation of the earlier occurrence, in which grandmother of the defacto complainant was brutally attacked, was admitted in the hospital and underwent major surgery. He would further submit that this petitioner is also one of the associates of the 1st accused.

5.It is the contention on the part of the petitioner that as per the averments that have been made in the FIR, no specific overt act has been attributed against the petitioner.

6.Considering the fact that no specific overt act has been attributed against the petitioner in the FIR with regard to the assault, this Court is inclined to grant anticipatory bail to the petitioner.

7.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate No.II, Kumbakonam, on condition that the 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 petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8.The 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 bail shall stand dismissed.

Sd/-
04/07/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.I)
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 NO.II,
KUMBAKONAM.
 2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT.
 3. THE INSPECTOR OF POLICE,
SWAMIMALAI POLICE STATION,
THANJAVUR DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1. CC to M/S.ILAYARAJA R Advocate SR.No.6526

ORDER
IN
CRL OP(MD) No.11565 of 2022
Date :04/07/2022

SP/SVR/SAR I/14/07/2022/3P/6C