



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 30/06/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN
CRL OP(MD). No.11654 of 2022

WEB COPY

Tamilan

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
Varusanadu Police Station,
Theni District.
Cr.No.85/2022.

... Respondent/Complainant

For Petitioner : M/s.Balaji A, Advocate.
For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Cr.No.85/2022 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/Accused No.1, who was arrested on 15.06.2022 for the alleged offences under Sections 147, 148, 294(b), 323, 324, 506 (ii) and 307 of IPC, in Crime No.85 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 14.06.2022, at about 05.15 p.m, when the defacto complainant was returning to his village after attending the function, due to previous enmity, the petitioner along with other accused said to have assaulted the defacto complainant and abused him in filthy language. The first accused namely, Tamilan, who is the petitioner herein, tried to assault him with knife. When the same was prevented by the defacto complainant, he sustained injury on the left hand. Another accused namely, Kumar assaulted him with wooden stick and other accused assaulted him with hands. When neighbours gathered, the accused persons fled away from the place of occurrence. On the basis of the complaint given by the defacto complainant, case has been registered against the petitioner and other accused.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that in the very same occurrence, case in Crime No.84 of 2022 was also



registered on the basis of the complaint given by the petitioner against the defacto complainant.

4.The learned Government Advocate (Crl.Side) would submit that in both sides injured have been discharged from the hospital and no previous case is pending against the petitioner. It is a case and case in counter. Counter complaint has been registered in Crime No.84 of 2022.

5.Reading of the counter complaint shows that trouble has arisen between two groups of people in pursuant to previous enmity with regard to the temple issue. In which, both sides assaulted each other and sustained injuries.

6.Considering the period of incarceration and also considering the fact that in both sides injured were discharged from the hospital and no bad antecedents reported against the petitioner, this Court is inclined to grant bail to the petitioner with stringent conditions.

7.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing a personal 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 Judicial Magistrate, Andipatti, and on further condition that the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

sd/-

30/06/2022

/ TRUE COPY /

30/06/2022

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, ANDIPATTI.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.

3 THE OFFICER INCHARGE, DISTRICT PRISON, THENI DISTRICT.



4 THE INSPECTOR OF POLICE, VARUSANANDU POLICE STATION,
THENI DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.A.BALAJI, Advocate (SR-6390[I] dated 30/06/2022)

ORDER

IN

CRL OP(MD) No.11654 of 2022

Date :30/06/2022

RS/VR/SAR.4 (30.06.2022) 3P-7C