



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 01/08/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGOVAN

CRL OP(MD). No.11971 of 2022

WEB COPY

1.Albert Durairaj @ Albert

2.Muthu Kumar

3.Mahendrakumar

... Petitioners/Accused Nos.1-3

Vs

1.The State rep.by,
The Inspector of Police,
Sattur Town Police Station,
Sattur Town,
Virudhunagar District.
(Crime No.252 of 2022).

... Respondent/Complainant

2.Jay Gnesh

... Petitioner/Intervener

For Petitioners : M/s.Pareshkumar J,
Advocate.

For Respondent : Mr. P. Kottaichamy
Government Advocate (Crl.Side)

For Intervenor : M/S.Jeyakarthick.M.S

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

PRAYER :-

For Anticipatory bail in Crime No.252/2022 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), 323, 510, 336 and 506(2) IPC in Crime No.252 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 26.06.2022 at about 9.30 p.m., when the defacto complainant was sitting in Ayyanar Kovil, the accused persons came there in a drunken mood and abused the defacto complainant in filthy language and also assaulted him. Hence, the complaint.



3. The learned counsel for the petitioners submitted the petitioners are innocent and they have been falsely implicated in this case.

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that it is a case and counter case. He would further submit that the first petitioner is having one previous case in Crime No.472 of 2021 and it is also assault and other offence under the Special Act. So far as the 2nd petitioner is concerned he is having 3 nuisance case and the same have been disposed of and the third petitioner is concerned, he is having one previous case in Crime No.148 of 2017 under the Mines and Minerals Act. He would further submit that the injured has been discharged from the hospital.

5. Considering the nature of offence, the overt act attributed against the petitioners 2 and 3, the injured person has been discharged from the hospital and the injury is simple in nature, this Court is inclined to grant anticipatory bail to the petitioners 2 and 3.

6. Accordingly, this Criminal Original Petition is allowed and the petitioners 2 and 3 are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate No.II, Sattur on condition that the petitioners 2 and 3 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 2 and 3 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. Considering the previous antecedent of the first petitioner, this Criminal Original Petition is dismissed as against the first petitioner / A1.

8. The petitioners 2 and 3 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/-
01/08/2022

/ TRUE COPY /

/08/2022

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

TRP

<https://www.mhc.tn.gov.in/judis>



TO

1.THE JUDICIAL MAGISTRATE NO.II, SATTUR.

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR @ SRIVILLIPUTHUR.

3.THE INSPECTOR OF POLICE,
SATTUR TOWN POLICE STATION, SATTUR TOWN,
VIRUDHUNAGAR DISTRICT.

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

+1. CC to M/S.PARESHKUMAR J Advocate SR.No.7948

ORDER

IN

CRL OP(MD) No.11971 of 2022

Date :01/08/2022

RK/PN/SAR-II/05.08.2022/3P/6C