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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/07/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.12004 of 2022

1. K.Kariamal
2. Sakthivel @ Sakthivelmurugan ... Petitioners/Accused
No.3 & 6

Vs

State rep.by
The Inspector of Police,
Chinthamanipatti Police Station,
Karur District.
(Crime No.114 of 2022). ... Respondent/Complainant

For Petitioners: M/s.Thalaimutharasu G, Advocate.

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

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

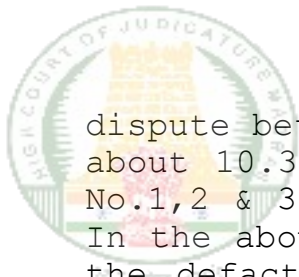
PRAYER :-

For Anticipatory Bail in Crime No.114 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused No.3 & 6, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 294(b), 324, 323 and 506(2) of I.P.C r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.114 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that 20.06.2022, the defacto complainant arranged the pooja for the deity worship. There was previous enmity between two legal heirs of the same ancestor with regard to the above said deity. In pursuance of the above said



dispute between the two groups of the legal heirs, on 20.06.2022, at about 10.30 p.m, at the instigation of the accused person, accused No.1,2 & 3 came there and assaulted him with the iron rod and bell. In the above said assault, he lost his 3 teeth. A4 and A6 assaulted the defacto complainant's sister. On the basis of the complainant given by the defacto complainant, case has been registered against the accused persons. Hence, the complaint.

3. The learned Government Advocate (Crl. Side) for the respondent police submitted that it is a case and case in counter. For the very same occurrence, counter case has been registered on the basis of the complaint given by the second accused against the defacto complainant party. Which was also registered in Crime No.115 of 2022 for the offences under Sections 147, 294(b), 323, 324 and 355 of IPC.

4. The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case. He further submitted that in both cases, injured have been discharged from the hospital. In this case is concerned, except the petitioners herein, other co-accused moved anticipatory bail before the Principal District Judge, Karur, and the same was allowed.

5. Reading of the counter complaint shows that because of the above said worship of deity, trouble arose between two groups of people. Resulting which, both sides persons have sustained severe injury.

6. Considering the facts and circumstances of the case and also considering the fact that it is a dispute between two legal heirs of the same ancestor, it is a case and case in counter, the injured was discharged from the hospital and no bad antecedents reported against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

7. 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.I, Kulithalai, 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 since the first petitioner is working as Government Teacher in Thanthonimalai, Karur District, the first petitioner shall appear before the Thanthonimalai Police Station daily at 10.30 a.m until further orders and the second petitioner 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.

8. 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/-
05/07/2022

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

DSS

TO

1. THE JUDICIAL MAGISTRATE NO.I,
KULITHALAI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
3. THE INSPECTOR OF POLICE,
CHINTHAMANIPATTI POLICE STATION,
KARUR DISTRICT.
4. THE INSPECTOR OF POLICE,
THANTHONIMALAI POLICE STATION,
KARUR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.THALAIMUTHARASU G Advocate SR.No.6698

ORDER
IN
CRL OP(MD) No.12004 of 2022
Date :05/07/2022

SP/VR/SAR II/11/07/2022/3P/7C