



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

Date : 06/07/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.12115 of 2022

1. Raja @ Yesuraja
2. Kalimuthu
3. Muthaiyan
4. Mariyammal
5. Mookammal

... Petitioners/Accused Nos.1 to 5

Vs

The State Rep. By,
The Inspector of Police,
Irukkangudi Police Station,
Irukkangudi,
Virudhunagar District.
(Crime No. 63 of 2022).

... Respondent/Complainant

For Petitioners: M/s. Prabha.S,
Advocate.

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

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

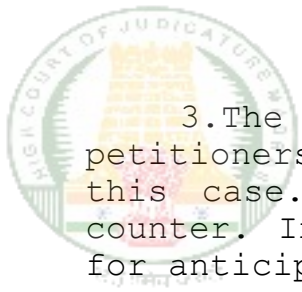
PRAYER :-

For Anticipatory Bail in Crime No. 63 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused No.1 to 5, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 294(b), 324 and 506(ii) of I.P.C, in Crime No.63 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 25.06.2022, at about 05.00 a.m, when the defacto complainant parked his three wheeler i.e moving petty shop in front of the cool drinks shop of the first petitioner, trouble arose between the parties. In pursuance of which, all the accused persons said to have assaulted him with aruval and iron rods and caused injury. Hence, the complaint.



3.The learned counsel for the petitioners submitted the petitioners are innocent and they have been falsely implicated in this case. He further submitted that it is a case and case in counter. Injured was discharged from the hospital. Hence, he prays for anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. Side) for the respondent police submitted that the defacto complainant party used to station a three wheeler in front of the shop of the first petitioner. Over which, trouble arose between the parties. In pursuance of the above said issue, on 25.06.2022, at about 05.00 a.m, there was a quarrel between them. By which, there was exchange of words between two groups of people. They assaulted each other and both sides sustained injury and admitted in the hospital and later, discharged. In respect of the complaint that was given by the first accused, case in Crime NO.62 of 2022 has been registered against the defacto complainant party. It is a case and case in counter. Injured have been discharged from the hospital. Except A3/3rd petitioner, other petitioners are not having previous case. A3 is having 2 previous cases involving COTPA Act. But, however, in this case, no serious offence has been made against him.

5.Considering the facts and circumstances of the case and also considering the fact that it is a petty issue between the parties, it is a case and case in counter and the injured was discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners.

6.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.II, Sattur, Virudhunagar District, 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 petitioners were admitted in the hospital, the petitioners shall appear before the respondent police daily at 10.30 a.m. until further orders after discharging from the hospital. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7.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/-

06/07/2022

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/07/2022

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



TO

1. THE JUDICIAL MAGISTRATE NO.II,
SATTUR.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE INSPECTOR OF POLICE,
IRUKKANGUDI POLICE STATION, IRUKKANGUDI,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.12115 of 2022
Date :06/07/2022

dss
USK/PN/SAR-III/12.07.2022/3P/5C