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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/07/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGOVAN

CRL OP(MD) . No.12125 of 2022

1. M.Ambika
2. K.Kalpana
3. Yogeshwari @ Maheswari
4. Ganesan
5. Kumar
6. Chandrasekaran

... Petitioners/Accused 1 to 6

Vs

State rep.by
The Sub Inspector of Police,
Aviyur Police Station,
Virudhunagar District.
(Crime No.157/2022).

... Respondent/Complainant

For Petitioners: M/s.Rajangam.P.K, Advocate.

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

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

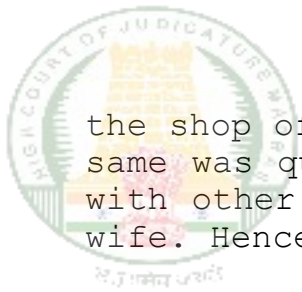
PRAYER :-

For Anticipatory Bail in Cr.No.157/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused No.1 to 6, apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 294(b), 323, 447 & 506(1) of IPC, in Crime No.157 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant running a Tea shop and the petitioners running a Chicken Meat Shop. On 29.06.2022, at about 06.50 a.m, when the first petitioner went to



the shop of the defacto complainant and picked up some fireworks, the same was questioned by him. Over which, the first petitioner along with other petitioners said to have abused and attacked him and his wife. Hence, the complaint.

3. 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 it is a case and case in counter. Hence, he prays for grant of anticipatory bail for the petitioners.

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that it is a case and case in counter.

5. Reading of the FIRs shows that there was quarrel between the parties, the accused persons in Crime No.157 of 2022 tried to burn the woods of the accused persons in the tea shop. In which, both the groups engaged in quarrel and exchange of blows and criminally intimidating others. Over which, this case as well as the counter case in Crime No.156 of 2022 has been registered against the counter party under Sections 147, 294(b), 323, 354, 355, 506(i) and Section 4 of TNPHW Act, 2002.

6. Who are the aggressor is a matter for trial or investigation.

7. Considering the facts and circumstances of the case and also considering the fact that it is a case and case in counter, this Court is inclined to grant anticipatory bail to the petitioners.

8. 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 II, 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 the petitioners 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.

9. 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

/ TRUE COPY /

/ /2022

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



To

1. THE JUDICIAL MAGISTRATE NO.II,
VIRUDHUNAGAR.
 2. -DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
 3. THE SUB INSPECTOR OF POLICE,
AVIYUR POLICE STATION,
VIRUDHUNAGAR DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/s.N.JEYARAM SIDDARTH, Advocate SR.No.6823

ORDER
IN
CRL OP (MD) No.12125 of 2022
Date :06/07/2022

SP/SVR/SAR I/12/07/2022/3P/6C