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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.ILANGO VAN

CRL OP(MD) . No.12111 of 2022

Ganesan

... Petitioner/Sole Accused

Vs

State rep.by
The Inspector of Police,
Thiruppuvanam Police Station,
Sivagangai District.
(Crime No.190/2022).

... Respondent/Complainant

For Petitioner : M/s. Balaji.A, 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.190/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b) and 506(i) I.P.C, in Crime No.190 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that due to the previous enmity, on 27.06.2022, at about 05.45 p.m, the petitioner said to have abused the defacto complainant in filthy language and threatened him with dire consequences. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case.



4. The learned Government Advocate (Crl. Side) for the respondent police submitted that no one sustained injury in this matter and the petitioner is involved in Crime No.80 of 2017, which was registered during the pandemic period.

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5. It is not a serious offence. Who are the aggressor is a matter for trial. Reading of both the FIRs shows that it is a quarrel arose between the two groups of people. When the counter party, in FIR No.191 of 2022 taking liquor near the place of the defacto complainant, trouble arose between them. In which, both sides abusing, assaulting and criminally intimidating each other.

6. Considering the facts and circumstances of the case and also considering the fact that no one sustained injury and it is a case and case in counter, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this Criminal Original Petition is allowed and petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate, Thirupuvanam, on condition that the petitioner shall execute a 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 Magistrate concerned and the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8. The petitioner 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.

dss

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,
THIRUPUVANAM..

2. -DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

3. THE INSPECTOR OF POLICE,
THIRUPPUVANAM POLICE STATION,
SIVAGANGAI DISTRICT. CR.NO.190/2022.

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

+1. CC to M/S. BALAJI.A Advocate SR.No.6765

ORDER

IN

CRL OP(MD) No.12111 of 2022

Date :06/07/2022

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