



WEB COPY



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.12113 of 2022

1. Karuppaiah
2. Manimegalai
3. Vennila

... Petitioners/Accused
No.1 to 3

Vs

State rep.by
The Inspector of Police,
Kottampatti Police Station,
Madurai District.
(Crime No.213/2022).

... Respondent/Complainant

For Petitioners : M/s Sethu Surendhar.G, Advocate.

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

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

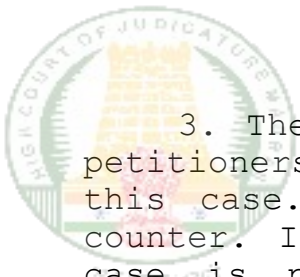
PRAYER :-

For Anticipatory Bail in Cr.No.213/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused No.1 to 3, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 323, 324 and 506(ii) of I.P.C, in Crime No.213 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to the civil dispute pending between the first petitioner and the defacto complainant, on 30.06.2022, at about 10.30 a.m, the accused persons abused the defcto complainant in filthy language and assaulted him with iron rod and wooden stick and caused injury. 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. Injured was discharged from the hospital and no previous case is pending against the petitioners. Hence, he prays for anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that it is a case and case in counter and insofar as this case is concerned, Crime No.213 of 2022 has been registered against the petitioners. On the basis of the complaint given by the first petitioner, case in Crime No.212 of 2022 for the offences under Sections 341, 323, 324, 307, 506(2) and 379 of IPC has been registered against the defacto complainant. No previous case is pending against the petitioners.

5. Reading of the both FIRs shows that in respect of the land dispute between the parties, steps have been taken to measure the property. W.P.(MD)No.12972 of 2022 was also filed by the petitioners before this Court. In pursuance of the above said issue, on 30.06.2022, at about 09.30 a.m, there was quarrel between the parties. In which, both exchange blow against each other. Both party have sustained injury and both of them admitted in the hospital. After treatment, the injured were discharged from the hospital. No previous antecedents reported against the petitioners.

6. Considering the facts and circumstances of the case and also considering the fact that 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 Court, Melur, Madurai, 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.

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/-

06/07/2022

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/ /2022

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



TO

1. THE JUDICIAL MAGISTRATE COURT,
MELUR, MADURAI.

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

3. THE INSPECTOR OF POLICE,
KOTTAMPATTI POLICE STATION,
MADURAI DISTRICT.

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

+1. CC to M/S SETHU SURENDHAR.G Advocate SR.No.6679

ORDER

IN

CRL OP(MD) No.12113 of 2022

Date :06/07/2022

SP/SVR/SAR I/11/07/2022/3P/6C