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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/07/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP (MD) . No.12426 of 2022

1. Mayandi
2. Daniel Raja
3. Kumaresan

... Petitioners/Accused No.1 to 3,

Vs

State rep.by
The Sub Inspector of Police,
Town North Police Station,
Dindigul District.
(Crime No.384 of 2022).

... Respondent/Complainant

For Petitioners : M/s. Sathish Babu.N, 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.384 of 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 offences punishable under Sections 147, 148, 294(b), 323, 324 and 506(ii) of I.P.C, in Crime No.384 of 2022 on the file of the respondent police, seek anticipatory bail.



2.The case of the prosecution is that the defacto complainant lodged a complaint stating that on 03.07.2022, he along with his friends went to the Uma Rajendra Theatre for noon show. At that time, the accused persons, who are the employee of the above said Theatre prevented them from entering into the theatre, trouble arose between them. Over which, the accused persons said to have tried to assault him with knife and criminally intimidated him. Based upon which, the presented case has been registered against the accused persons.

3. The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case. It is a case and case in counter and no previous case is pending against the petitioners. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) would submit that with regard to the very same occurrence, counter case has been registered in Crime No.385 of 2022 under Sections 147, 148, 294(b), 323, 324 and 506(2) of IPC, on the basis of the complaint given by one Daniel Raja, who is the security of the above said Theatre. He further submitted that there was no previous motive between the parties. The injured were discharged from the hospital in both the cases and no previous bad antecedents is reported against the petitioner.

5.Reading of the counter case shows that the accused persons were found in drunken mode when the same was questioned, warned and prevented them from entering into the Cinema Theatre, the defacto complainant was assaulted. The accused persons have created a problem in drunken mode. Because of that, there was group clash between the employees of the Cinema Theatre, who are the petitioners herein and the defacto complainant party.

6.Considering the facts and circumstances of the case and also considering the fact that there was no motive between the parties, it is a case and case in counter, the injured were discharged from the hospital in both the cases and no bad antecedents is 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.2, Dindigul, 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.



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.

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Sd/-
11/07/2022

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/ /2022
Sub-Assistant Registrar (C.S.I)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

TO

1. THE JUDICIAL MAGISTRATE NO.2,
DINDIGUL.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
3. THE SUB INSPECTOR OF POLICE,
TOWN NORTH POLICE STATION,
DINDIGUL DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S. SATHISH BABU.N Advocate SR.No.7024

ORDER
IN
CRL OP(MD) No.12426 of 2022
Date :11/07/2022

SP/SVR/SAR I/18/07/2022/3P/6C