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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/07/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.12527 of 2022

1. Mariyappan,
2. Boothiraja,
3. Mutheeswaran,
4. Thangam,
5. Mutheeswari, ... Petitioners/Accused No.1 to 5

Vs

State Rep.by
The Inspector of Police,
Gandamanur Vilakku Police Station,
Theni District
(Crime No. 98 of 2022). ... Respondent/Complainant

For Petitioners: MR.P.Edin Brough.P, Advocate.

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

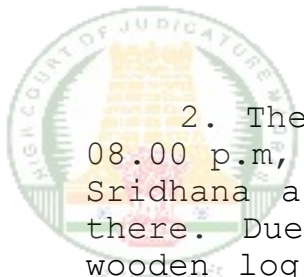
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No. 98 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused No.1to5, apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 148, 294(b), 324 and 506(ii) I.P.C, in Crime No.98 of 2022 on the file of the respondent police, seek anticipatory bail.



2. The case of the prosecution is that on 05.06.2022, at 08.00 p.m, when the defacto complainant's family members were taking Sridhana articles to their function, the accused persons gathered there. Due to previous enmity, they started to attack them with wooden log and hands. Due to which, two persons sustained injury. Based on the complaint given by the defacto complainant, present 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. He further submitted that it is a case and case in counter. The injured were discharged from the hospital. Hence, he prays for grant of 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. Counter complaint in Crime NO.99 of 2022 has been registered against the defacto complainant. The injured were discharged from the hospital. Insofar as the petitioners 1 & 2 is concerned, no previous case is pending. Insofar as the third petitioner is concerned, he is having two previous cases.

5. Reading of the counter complaint shows that when playing trumps in the function, the accused persons prevented the same and caused assault. In which, the petitioners also sustained injury. Over the above said complaint, case in Crime No.99 of 2022 has been registered against the defacto complainant. In both the cases injured have been discharged from the hospital. But, reading of the list shows that cases have been registered against the third petitioner, during the election motive.

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 were discharged from the hospital in both the cases and no bad antecedents reported against the petitioners in similar nature, 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, Andipatti, 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 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 M. e 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/-
12/07/2022

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

TO

- 1 THE JUDICIAL MAGISTRATE,
ANDIPATTI, MADURAI.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
- 3 THE INSPECTOR OF POLICE
GANDAMANUR VILAKKU POLICE STATION,
THENI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.P.EDIN BROUGH, Advocate (SR-7038[I] dated 13/07/2022)

ORDER
IN
CRL OP(MD) No.12527 of 2022
Date :12/07/2022

DSS

PKP/JM/SAR-2/20.07.2022/3P/6C