



WEB COPY



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/08/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.12600 of 2022

Mani Konar @ Mani Yadav

... Petitioner/Accused No.1

Vs

State rep.by

The Inspector of Police,
Sattankulam Police Station,
Tuticorin District.

(Crime No.227 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Praveenkumar P, 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.227 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.1, apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 342, 294(b), 323, 307 and 506(ii) I.P.C, in Crime No.227 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant running Auto Company namely, Kani & Co, which belong to the one Rajesh. On 08.07.2022, at about 11.55 a.m, the accused were taking sand in the property, which belong to one Puvanendra Adhiddhan, who is the uncle of the above said Rajesh. For the purpose of informing the same to the above said Puvanendra Adhiddhan, he took a videograph of the occurrence. Agitated over that, the accused persons said to have assaulted the defacto complainant with hands and spade and caused injury to him. Hence, the present case has been registered against the accused persons.



3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. He further submitted that co-accused/A2 was arrested and remanded to judicial custody and thereafter, released on bail by this Court, in Crl.OP(MD)No.14018 of 2022, dated 03.08.2022, on the ground that the injured was discharged from the hospital. There was land dispute between the parties. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that it is a case and case in counter. Counter case was registered in Crime No.228 of 2022. But, that was not informed to this Court while hearing the above said bail application and no bad antecedent is reported against the petitioner.

5. Considering the facts and circumstances of the case and also considering the fact that it is a case and case in counter, the limited role that has been played by the petitioner, co-accused was already released on bail and no bad antecedent is reported against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

6. 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, Sattankulam, 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.

7. 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/-
10/08/2022

/ TRUE COPY /

/08/2022
Sub-Assistant Registrar (C.S.II)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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,
SATTANKULAM..
 2. -DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.
 3. THE INSPECTOR OF POLICE,
SATTANKULAM POLICE STATION,
TUTICORIN DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.PRAVEENKUMAR P Advocate SR.No.8491

ORDER
IN
CRL OP(MD) No.12600 of 2022
Date :10/08/2022

SP/SVR/SAR II/16/08/2022/3P/6C