



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 04/08/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN
CRL OP(MD). No.12744 of 2022

WEB COPY

1. Venkadachala Perumal @ Vengatesh Perumal

2. Sudalaimuthu

... Petitioners/Accused Nos.1 & 2

Vs

State Rep by The Inspector of Police,
Tenkasi Police Station,
Tenkasi District.

Cr.No.481/2021. ... Respondent/Complainant

For Petitioners : M/s. Chandrasekar.G,

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. 481/2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 447, 294(b), 323, 506(i), 379 IPC in Crime No.481 of 2021 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant was working as Loadman in Arthi Parcel Service. On 07.10.2021, he mistakenly left a parcel of one Rajagopal, before the house of first accused and on next day there was enquiry by the above said consignee and he told that the parcel was placed in front of the house of the first accused, over which, the accused persons quarrelled, assaulted and criminally intimidated him. Based on the complaint of the defacto complainant, this case has been registered.

3. The learned counsel for the petitioners submitted that on the very same occurrence, based upon the complaint given by the persons, a counter case was registered in Crime No.477 of

<https://www.mca.gov.in/jds>



2022 against the *defacto* complainant party, as if they assaulted and snatched gold chain. In both cases, injured were discharged from the hospital. Hence, prays to release them on anticipatory bail.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that based upon the complaint given by the petitioners, case in counter was registered in Cr.No.477 of 2022 against the *defacto* complainant party and in both cases injured were discharged from the hospital and there is no previous cases pending against the petitioners.

5. Today, the respondent Police also appeared before this Court and stated that around 100 parcels were delivered on each day in the said locality and there is no material to hold that the petitioners had stolen the said parcel, since the *defacto* complainant placed the parcel in the open place.

6. Considering the above facts and circumstances of this case and dispute between the parties, that in both the cases injured were discharged from the hospital, that the petitioners are not having any previous case at their credit and it is a case in counter, 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, Tenkasi, 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.

sd/-
04/08/2022

/ TRUE COPY /

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



TO

1. The Judicial Magistrate, Tenkasi

2. Do Through The Chief Judicial Magistrate,
Tirunelveli.

3. The Inspector of Police,
Tenkasi Police Station,
Tenkasi District. Cr.No.481/2021.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.G.CHANDRA SEKAR, Advocate (SR-8165[I] dated 04/08/2022
)

ORDER

IN

CRL OP(MD) No.12744 of 2022

Date : 04/08/2022

TR/PN/SAR-III(12.08.2022) 3P 6C