



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 14/07/2022
PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.12662 of 2022

1. Ayyangalai
2. Kalimuthu

... Petitioners/Accused Nos.1 & 2

Vs

The State rep.by,
The Inspector of Police,
Melur Police Station, Madurai District.
Crime No.401 of 2022.

... Respondent/Complainant

For Petitioners: MR.A.V.Arun, Advocate.
For Respondent : Mr.B.Thanga Aranindh,
Government Advocate (Crl.Side)

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

PRAYER :-For Anticipatory Bail in Crime No.401 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused No.1 & 2, apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323 and 506(ii) I.P.C r/w Section 4 of Tamil Nadu Prohibition Women Harassment Act, in Crime No.401 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that it is a case and case in counter. The defacto complainant and the accused persons are neighbours. On 10.07.2022, at about 10.00 a.m, when the defacto complainant and his family members fencing their land, the accused persons came there and said to have abused the defacto complainant in filthy language and also attacked him with stick and hands.

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 and the injured was 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 there is a dispute between the parties while fencing the land. It is a case and case in counter. The injured were discharged from the hospital and no previous case

<https://www.mhponline.in> against the petitioners.



5. Reading of the FIR shows that there was pathway dispute between the parties. As a result of which, frequent quarrel arose between them. On 10.07.2022, at about 10.00 a.m, trouble arose between them. As a result of which, the defacto complainant was attacked with stick and hands. Similarly in the counter case in Crime No.402 of 2022, these petitioners were assaulted by the defacto complainant party. Both were taken to the hospital and later discharged.

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 persons have been discharged from the hospital 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 District Munsif cum Judicial Magistrate, Melur, Madurai District, 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/-

14/07/2022

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/07/2022

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

TO

- 1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
MELUR, MADURAI DISTRICT.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
MELUR POLICE STATION, MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL OP(MD) No.12662 of 2022

Date :14/07/2022

DSS

<https://www.mh.judiciary.gov.in/> MK/EN/GARdis II/19.07.2022/3P/5C