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CRL OP(MD). N



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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.12685 of 2022

1. Karuppasamy,

2. Tamil Selvi,

... Petitioners/Accused No.1 & 2

Vs

State Rep.by
The Inspector of Police,
Puliangudi Police Station,
Tenkasi District.
Crime.No.268 of 2022.

... Respondent/Complainant

For Petitioners: MR.V.Sasikumar, 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. 268 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(2) I.P.C, in Crime No.268 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 25.06.2022, at about 05.00 a.m, the petitioners along with other accused went to the house of the defacto complainant and abused him in filthy language and assaulted him with wooden stick and caused injury. Based upon the complaint given by the defacto complainant, present case has been registered against the petitioners.



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. In counter case, the petitioners were also attacked by the defacto complainant party. The injured was discharged from the hospital 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) for the respondent police submitted that because of the enmity between two groups of people, who are the accused herein and the defacto complainant. Due to which, case and counter case have been registered against the parties. In counter case in Crime No.267 of 2022, the defacto complainant engaged in fighting and caused injuries. At the intervention of neighbours, they fled away from the place of occurrence. He further submitted that the injured were discharged from the hospital in both cases and no previous antecedents is reported against the petitioners.

5. Considering the facts and circumstances of the case and also considering the fact that it is a case and case in counter, injured were discharged from the hospital in both cases and no previous antecedents is reported against the petitioners, this Court is inclined to grant anticipatory bail to them.

6. 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, Sivagiri, Tenkasi 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 2&3 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.

7. 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

/ TRUE COPY /

/07/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



DSS

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
SIVAGIRI
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE
PULIANGUDI POLICE STATION,
TENKASI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.V.SASIKUMAR, Advocate (SR-7166[I] dated 15/07/2022)

ORDER
IN
CRL OP(MD) No.12685 of 2022
Date :14/07/2022

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