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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/07/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGOVAN

CRL OP(MD) . No.12724 of 2022

Suresh

... Petitioner/Accused No.1

Vs

State rep.by

The Inspector of Police,
Serndhamaram Police Station,
Tenkasi District.
(Crime No.169 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Karthick R.J, Advocate.

For Respondent : R.M.Anbunithi,
Additional Public Prosecutor

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

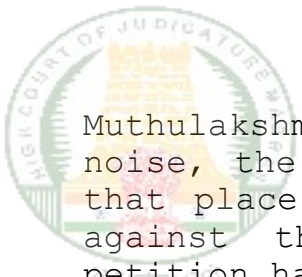
PRAYER :-

For Anticipatory Bail in Crime No.169 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323 and 506(i) of IPC, in Crime No.169 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant lodged a complaint stating that on 08.05.2022 at about 09.00 p.m, when the defacto complainant and other persons were talking to each other near Ration Shop, the accused person came there and invited one Anandh stating that he has obscene videos. When that was objected by them, the accused person abused them in filthy language and criminally intimidated them and they were also assaulted by the accused person. One Muthupandi caused assault to Anandh. One



Muthulakshmi caused assault to Manikanda Baskar. On hearing their noise, the neighbours gathered. The accused persons fled away from that place. Based upon that occurrence, case has been registered against the accused persons. Seeking anticipatory bail, this petition has been filed by the first accused.

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3. Heard both sides.

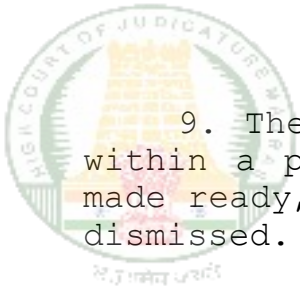
4. The learned counsel for the petitioner would submit that due to the inter party motive, false case has been foisted upon the petitioner after delay.

5. It is seen that with regard to the above said occurrence, there were 3 FIRs in Crime No.169 of 2022 Crime No.170 of 2022 and Crime No.173 of 2022 has been registered within a period of 2 days. Earlier complaint in Crime No.169 of 2022 and Crime No.170 of 2022 have been registered on the very same day. On the basis of the complaint given by the this petitioner against 4 persons namely, Karuppasamy @ Karthick, Ramsundar, manikanda Baskar and Ananthakumar. As mentioned earlier, Crime No.169 of 2022 and Crime No.170 of 2022 are case and case in counter. Which arose, due to the alleged invitation made by the petitioner to one Anandh. For which, the petitioner herein lodged a complaint in Crime No.170 of 2022 stating that there was previous enmity between him and the defacto complainant. The defacto complainant is also a political functionary. Before him one Muthaiah was in that place. In the month of November 2021, a inscription was put up to celebrate the golden jubilee of party. In that stone inscription, the name of Muthaiah did not found place. Because of the above said issue, there was enmity between them. Over the above said enmity only, they have been assaulted by the accused persons.

6. Per contra, it is the case of the Additional Public Prosecutor is that only because of the misbehave with one Anandh, the above said occurrence took place. It is seen that in the above said occurrence both sides got injury. Case and counter case have been registered.

7. The petitioner is entitled for anticipatory bail in view of the above said circumstances. Hence, this Court is inclined to grant anticipatory bail to the petitioner.

8. 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 Court, Tenkasi, 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.



9. 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.

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Sd/-
26/07/2022

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/ /2022
Sub-Assistant Registrar (C.S.I)
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 COURT,
TENKASI.
2. -DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
SERNDHAMARAM POLICE STATION,
TENKASI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.12724 of 2022
Date :26/07/2022

SP/SVR/SAR I/29/07/2022/3P/5C