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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/07/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.13111 of 2022

Jaisankar

... Petitioner/1st Accused

Vs

State rep.by

The Inspector of Police,
Irukkankudi Police Station,
Virudhunagar District.
(Crime.No.62 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Muthukumar.S, 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.62 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 294(b), 324 and 506(ii) I.P.C, in Crime No.62 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the case of the prosecution is that the defacto complainant lodged a complainant stating that on 25.06.2022, at about 05.00 p.m, he was standing near the place of occurrence, the accused persons came there by pulling the small cart and asked him to vacate that place and place the same in some other area. That was rejected. By which, they abused him in filthy language and assaulted him with beer bottle & wooden log. When that was intercepted by one Muthaiyan, he was also attacked by them. At the intervention of the neighbours, the accused persons fled away from the place of occurrence by making criminal threat. Hence, the present case has been registered against the petitioner.



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 for the very same occurrence, the petitioner lodged a complaint against the defacto complainant and 4 other. That was registered in Crime No.63 of 2022 for the offences under Sections 147, 294(b), 324 & 506(ii) of IPC. The injured was discharged from the hospital. Hence, he prays for grant of anticipatory bail to the petitioner.

4. Reading of the counter FIR shows that the petitioner party assaulted the defacto complainant party and 3 persons were injured in the counter case.

5. The learned Government Advocate (Crl. Side) for the respondent police submitted that in both the cases injured sustained only simple injury. They were taken to the hospital and after treatment, discharged from the hospital. Insofar as the previous case is concerned, the petitioner is having one previous case. In that case, he was acquitted. Further, it is a petty issue. So, we need not taken into account.

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 were discharged from the hospital in both the cases, this Court is inclined to grant anticipatory bail to the petitioner.

7. 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 No.II, Sattur, 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.

8. 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/-
21/07/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.III)
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.

WEB COPY

TO

1. THE JUDICIAL MAGISTRATE NO.II,
SATTUR.
 2. -DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT.
 3. THE INSPECTOR OF POLICE,
IRUKKANKUDI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S. MUTHUKUMAR.S Advocate SR.No.7521

ORDER
IN
CRL OP(MD) No.13111 of 2022
Date :21/07/2022

SP/SVR/SAR III/27/07/2022/3P/6C