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CRL OP(MD). N



22

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.13131 of 2022

R.Jayavanan

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Vattathikottai Police Station,
Thanjavur District.
Crime.No.256/2022.

... Respondent/Complainant

For Petitioner : M/s. Eashwar.T,
Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

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

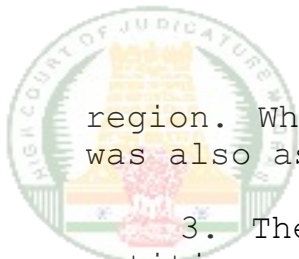
PRAYER :-

For Anticipatory Bail in Crime No.256 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), 324, 506(ii) and 354 of I.P.C, in Crime No.256 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the daughter of the defacto complainant by name, Sowmiya was married to one Kalaimuthu. On 16.06.2022, the above said Kalaimuthu picked up quarrel with the daughter of the defacto complainant. Over which, the petitioner, who is the brother of the above said Kalaimuthy abused the daughter of the defacto complainant in filthy language and also assaulted her. So, the defacto complainant brought the Sowmiya to his house. On the very same day, at about 05.30 p.m, when they were sleeping, again, the accused person came there and assaulted the defacto complainant and caused injuries on the head and the left shoulder



region. When the same was resisted by the above said Sown he was also assaulted and criminally intimidated by him.

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 no previous case is pending against the petitioner and the injured was discharged from the hospital. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that due to the domestic quarrel between the petitioner and the defacto complainant, trouble has arisen. In which, both were attacked each other. The defacto complainant sustained head injury and having 8 stitches and discharged from the hospital. No previous bad antecedent is reported against the petitioner.

5. Considering the facts and circumstances of the case and also considering the fact that it is a family dispute between the parties, the injured was discharged from the hospital and no bad antecedents reported against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

6. 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, Pattukottai, 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.

7. 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 /

/07/2022

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

dss

<https://www.mhc.tn.gov.in/judis>



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,
PATTUKOTTAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJORE @ KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
VATTATHIKOTTAI POLICE STATION,
THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.13131 of 2022
Date :21/07/2022

RK/JM/SAR-III/28.07.2022/3P/5C