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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 28/07/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.13645 of 2022

G.Prabakaran @ Manikandan

... Petitioner/Accused No.8

Vs

State rep.by
The Inspector of Police,
Swamimalai Police Station,
Thanjavur District.
(Crime.No.496 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Subramanian.R, 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.496 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.8, apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 352, 427 & 506(2) of I.P.C, in Crime No.496 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that it is a case and case in counter. There was trouble between the two groups of people over the forming of Temple Administration Committee for conducting festival. On 24.07.2022, at about 10.45 p.m, the accused persons picked up quarrel with the defacto complainant. In that occurrence one Senthil and the other two persons of the rival party sustained injury. On the very same day, at about 11.00 p.m, again, they came to the



temple and assaulted the defacto complainant and his party and caused injury. Hence, present case came to be registered.

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. Hence, he prays for anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that no bad antecedent is reported against the petitioner.

5. Reading of the FIR in Crime No.496 of 2022 shows that there was trouble between the two groups of people over the forming of Temple Administration Committee for conducting festival. On 24.07.2022, at about 10.45 p.m, the accused persons came to the temple and picked up quarrel with the defacto complainant and assaulted him and his party and caused injury. Then, compromise has been reached between them. But, again, trouble arose between them. In which, exchange of blows between two groups of people and criminally intimidated each other and caused damage worth about Rs.1000/-.

6. Reading of the counter FIR shows that the petitioner herein also sustained injury in the above said occurrence. Based upon which, case in Crime No.495 of 2022 has been registered against the defacto complainant party for the offences under Sections 147, 148, 294(b), 324 & 506(2) of IPC.

7. Considering the facts and circumstances of the case and also considering the fact that it is a case and case in counter, there was trouble between two groups of people over the administration of temple, no previous antecedent is reported against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

8. Accordingly, this Criminal Original Petition is allowed on condition that the petitioner shall deposit a sum of Rs.1,000/- (Rupees One Thousand only) to the credit of Cr.No.496 of 2022 before the trial Court concerned, without prejudice to his rights and contentions before the trial Court.

9. On such deposit being made, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate Court No-2, at Kumbakonam, Thanjavur District, 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.



10. 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/-
28/07/2022

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/08/2022

Sub-Assistant Registrar (C.S.IV)
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 NO.2,
AT KUMBAKONAM, THANJAVUR DISTRICT.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
SWAMIMALAI POLICE STATION,
THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.13645 of 2022
Date :28/07/2022

SP/JM/SAR IV/16/08/2022/3P/5C