



WEB COPY



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/08/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.15183 of 2022

1. Punitha
2. Vijayasekar

... Petitioners/Accused No.1 & 2

Vs

State rep.by
The Inspector of Police,
Kattuputhur Police Station,
Tiruchirappalli City.
(Crime No.187/2022)

... Respondent/Complainant

For Petitioners : M/s.Ravanan G, Advocate.

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

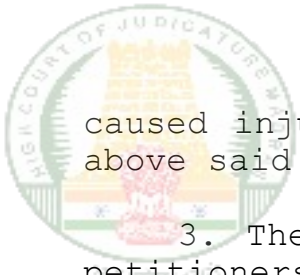
PRAYER :-

For Anticipatory Bail in Crime No.187/2022 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(i) I.P.C. and Section 4 of TNPHW Act, in Crime No.187 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as stated by the defacto complainant is that the accused person and the defacto complainant are neighbours. On 16.08.2022, at about 07.00 a.m, the accused persons put garbage in the common pathway. That was objected by the defacto complainant. Over which, there was wordy quarrel between them. The accused persons said to have abused the defacto complainant in filthy language and assaulted her with hands and



caused injury. Thereafter, she was taken to the hospital. Upon the above said complaint, case has been registered against accused.

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. The injured was discharged from the hospital. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that for the very same occurrence, counter case has been registered against the defacto complainant in Crime No.186 of 2022. The petitioners herein are having 1 previous case. But, however, the injured was discharged from the hospital.

5. Reading of the counter complaint shows that the defacto complainant party has also sustained injury. It appears that both of them engaged in assaulting each other with hands, iron rod etc., In both the cases, injured were discharged from the hospital.

6. Considering the facts and circumstances of the case and also considering the fact that both are neighbours, over the common pathway usage, trouble has arisen between them, even though the petitioners are having previous case, both sides sustained injury and discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners.

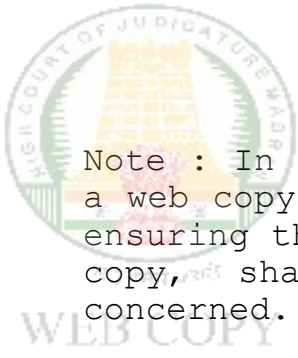
7. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate, Thottiyam, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and the petitioners 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.

8. 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/-
24/08/2022

/ TRUE COPY /

09/09/2022
Sub-Assistant Registrar (C.S.IV)
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.

TO

1. THE JUDICIAL MAGISTRATE,
THOTTIYAM..
 2. -DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
 3. THE INSPECTOR OF POLICE,
KATTUPPUTHUR POLICE STATION,
TIRUCHIRAPPALLI CITY..
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.RAVANAN G Advocate SR.No.39958

ORDER
IN
CRL OP(MD) No.15183 of 2022
Date :24/08/2022

SP/SVR/SAR IV/09/09/2022/3P/6C