



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 30/08/2022

PRESENT

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The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.15450 of 2022

1. Muthusamy
2. Kirukkupandi @ Pandiswaran
3. Pandeewari @ Pandilakshmi
4. Vikram
5. Punitha @ Punithalakshmi
6. Sivakarthikeyan @ Sivakarhick Raja
... Petitioners/Accused 2, 5 to 9

Vs

The State rep.by,
The Inspector of Police,
Irukkangudi Police Station,
Virudhunagar District.
Crime No. 76 of 2022. ... Respondent/Complainant

For Petitioners : M/s.Arunraj.K,
Advocate.

For Respondent : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)

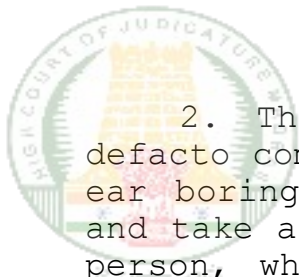
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No. 76 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused No.2, 5 to 9, apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 323, 324, 354, 427, 379 and 506(ii) of I.P.C. and Section 4 of TN Prohibition of Harassment of Women Act, 2002, in Crime No.76 of 2022 on the file of the respondent police, seek anticipatory bail.



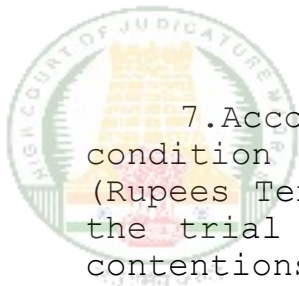
2. The case of the prosecution is that on 19.08.2022 the defacto complainant along with her relatives went to Irukkankudi for ear boring function of her elder sister's children through 3 vans and take a shed for rent. After function, when they to come back, a person, who is keeping the shop in the above said shed told them that his cell phone was found missing and enquired about the same. Over which, there was wordy quarrel between the parties. The accused persons abused the defacto complainant and others in filthy language, caused assault and also caused damage to 3 Vans worth about Rs.44,150/-. Further, 1 sovereign of one gold chain, 3 gold rings (each contains 1 gm), 2 cell phones and cash amount of Rs.32,000/- were also found missing. Based upon the complaint given by the defacto complainant, present case has been registered against the accused persons.

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. Counter case has been registered in Crime No.78 of 2022. On either side, there were injuries. The accused No.1 & 4 No were arrested and remanded to judicial custody. Later, released on bail. No bad antecedent is reported against the petitioners. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that A9 is having 7 previous cases and A2 is having 1 previous case. It is a case and case in counter. Counter case has been registered in Crime No.78 of 2022 for the offences under Sections 147, 148, 294(b), 323, 324 and 506(i) of IPC. No bad antecedent is reported against the petitioners.

5. Perusal of CD file shows that even though accused No.1 and 4 were arrested and remanded to custody, later, released on bail. It appears that no enquiry was undertaken by the Investigating Officer with regard to the missing amount of Rs.32,000/-. But, investigation is almost completed. Counter case also been registered for the very same occurrence in Crime No.78 of 2022. It appears that there is group clash between the accused party and the defacto complainant party on the eve of temple celebration and damage that has been caused to the Van is Rs.44,150/-. That amount must be deposited by the petitioners and they must also appear before the respondent police and co-operate with him to complete the investigation with regard to the above said missing amount of Rs.32,000/-.

6. Considering the facts and circumstances of the case and also considering the fact that it is a case and case and case in counter, both sides sustained injury and no bad antecedent is reported against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.



7. Accordingly, this Criminal Original Petition is allowed on condition that the petitioners shall deposit a sum of Rs.44,150/- (Rupees Ten Thousand only) to the credit of Cr.No.76 of 2022 before the trial Court concerned, without prejudice to their rights and contentions before the trial Court.

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8. On such deposit being made, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate No.II, Sattur, 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.

9. 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/-

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08/09/2022

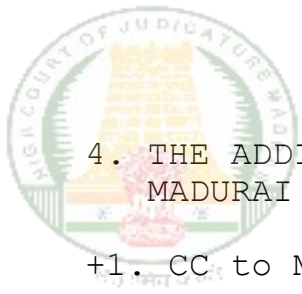
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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.II, SATTUR.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT.
3. THE INSPECTOR OF POLICE,
IRUKKANGUDI POLICE STATION,
VIRUDHUNAGAR DISTRICT.



4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.ARUNRAJ.K Advocate SR.No.9356

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ORDER

IN

CRL OP(MD) No.15450 of 2022

Date :30/08/2022

RK/SVR/SAR-I (08/09/2022) 4P/6C