



WEB COPY



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

Date : 29/09/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.17455 of 2022

1. Muthupandi
2. Mahalakshmi

... Petitioners/Accused No.1 & 2

Vs

State rep.by
The Inspector of Police,
Varusanadu Police Station,
Theni District.
(Crime No.82 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Samy.K.K., Advocate.

For Respondent : Mr.RMS.sethuraman,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.82/2022 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), 324, 506(ii) and 109 of IPC r/w Section 4 of Tamilnadu Prohibition of Harassment of Women Act, 2002, in Crime No.82 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 08.06.2022, at about 05.00 p.m, the first accused was grazing the cattle in the Mango grove and cashewnut grove, which belong to the defacto complainant. The same was questioned by the defacto complainant. Over which, all the accused persons joined together and caused assault and also criminally intimidated her. Hence, the complaint.



3. The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that this is the second anticipatory bail application. Earlier application was dismissed on the ground that the petitioners are having previous case. This petition is filed on the ground that it is a case and case in counter. Counter case was also registered in Crime No.83 of 2022 for the offences of punishable under Sections 294(b), 323, 324 and 506 (ii) of IPC. This fact was not brought to the notice of this Court while hearing the earlier application.

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that it is a case and case in counter, both sides sustained injury.

5. Reading of the FIRs in both cases shows that there was quarrel between both parties on 08.06.2022. In the above said quarrel, both sides sustained injury. Over which, case and counter case have been registered.

6. Considering the facts and circumstances of the case and also considering the fact that it is a case and case in counter and the petitioners were also got injury in the above said occurrence, 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, Aundipatti, Theni District, 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.

Sd/-
29/09/2022

/ TRUE COPY /

/10/2022
Sub-Assistant Registrar (C.S.II)
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,
AUNDIPATTI, THENI DISTRICT.
 2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
 3. THE INSPECTOR OF POLICE,
VARUSANADU POLICE STATION,
THENI ISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1. CC to M/S.SAMY.K.K. Advocate SR.No.10856

ORDER
IN
CRL OP(MD) No.17455 of 2022
Date :29/09/2022

SP/SSS/SAR II/20/10/2022/3P/6C