



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Dated:03/02/2022

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

Crl.OP(MD)No.19404 of 2021

1.Muruganantham
2.Tamilselvan

... Petitioners/A1 & A2

Vs.

State: rep.
The Inspector of Police,
Orathanadu Police Station,
Thanjavur District.
(Crime No.1039 of 2021)

... Respondent/Complainant

N.KANNAN

... Petitioner/Intervenor

For Petitioner : Mr.N.Manoharan, Advocate

For Respondent : Mr.RMS.Sethuraman
Additional Public Prosecutor

For Intervener : Mr.A.Senthil Kumar, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.1039 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who have arrayed as A1 and A2 apprehending arrest at the hands of the respondent police for the offence punishable under sections 294(b), 324, 506(ii), 452, 307 IPC, in Crime No.1039 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 07.11.2021 at about 8.40 pm, the accused persons came in drunken mood to the house of the de-facto complainant and by using wooden log, iron rod and stones, assaulted the brother of the de-facto complainant with an intention to kill him.

3.Heard both sides.



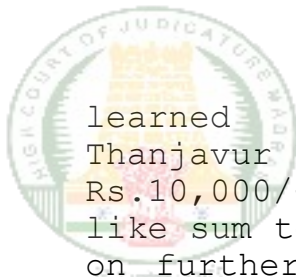
4.It is a dispute between two neighbours. Perusal of records shows that on 07/11/2021, some wordy quarrel arose between the de-facto complainant and the accused persons. When one Pethaperumal urinated near the house of the de-facto complainant called 'Kaviarasan', who is the injured in this petition, the occurrence said to have taken place on 07.45 pm. In respect of the above occurrence, Al-Muruganantham, who is the first accused herein lodged a complaint with the respondent police, which was registered in Crime No.1071 of 2021. It has been stated in the complaint that the injured in this case Kaviarasan alleged to have assaulted the first accused/Al with iron rod. Both were separated by neighbours. He was also criminally intimidated. Later Al was admitted in Orathanadu Government Hospital. During the course of treatment only, the above said complaint has been given to the respondent police. Originally, CSR was assigned and later, the case was registered in Crime No.1049 of 20221 for the offence under section 294(b), 324 and 506(ii) IPC on 16/11/2021.

5.Now the case of the first petitioner is that he has been assaulted by the injured person. Originally, the case was not registered. Taking advantage of the same, the brother of the above said Kaviarasan has given a complaint stating that there was a murder attempt on the life of the injured by the petitioners and the counter complaint has been registered in Crime No.1039 of 2021, which is present complaint, wherein it has been stated that on 07/11/2021 at 8.40 pm, when Kaviarasan was in the house, the accused persons came to the house in a drunken mood and caused assault. He was admitted in the hospital and later, he shifted to Thanjavur Medical College hospital for further treatment and since, he was in unconscious stage, the de-facto complainant gave a complaint, which was registered on 08/11/2021.

6.It is seen that in respect of the same occurrence, the case and counter case are registered. During the course of argument, it was contended by the learned counsel appearing for the de-facto complainant/Intervener that Kaviarasan was in patient for 48 days and discharged from the hospital recently. He has also suffered grievous injuries. So, the petitioners are not entitled for anticipatory bail.

7.However, considering the facts and circumstances of this case and in the light of the fact that the injured has been discharged from the hospital, since it is a case and counter and the dispute is between the neighbours, I am of the considered view that the matter can be amicably settled between the parties without giving room of escalation of enmity and dispute.

8.In view of the above facts, this court is inclined to **release the petitioners on anticipatory bail** with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the



learned District Munsif-cum-Judicial Magistrate, Orathanadu, Thanjavur District and on each of them executing 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 on further condition that the petitioners shall appear before the Judicial Magistrate No.1, Trichy once in 15 days at 10.00 am until further orders. The petitioners are also directed to stay away from the village for some time. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously. 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 will stand dismissed.

sd/-
03/02/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.)
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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, ORATHANADU,
THANJAVUR DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
ORATHANADU POLICE STATION,
THANJAVUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE JUDICIAL MAGISTRATE NO.I,
TRICHY.

+1. CC to M/S. MANOHARAN.N. Advocate SR.No.769

ORDER
IN
CRL OP(MD) No.19404 of 2021
Date :03/02/2022