



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/01/2022

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

CRL OP (MD) . No.19509 of 2021

Mukesh

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Muthaiyapuram Police Station,
Thoothukudi District.
(Crime No.364/2021).

... Respondent/Complainant

For Petitioner : M/s.D.S.Haroon Rasheed, Advocate.

For Respondent : M/s.SS.Madhavan,
Government Advocate (Criminal Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.364/2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 307 and 506(ii) I.P.C, in Crime No.364 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 03.12.2021, the defacto complainant's father, mother came to Samy Nagar, Mullakkadu, Muthaiahpuram, Thoothukudi District, for attending a death ceremony. At that time, the father of the defacto complainant has enquired one Santhanamari with regard to her marriage. It appears that the enquiry has hurt her and because of that, this petitioner alleged to have assaulted the injured person with hands. He fell down and later taken to hospital. Based on the complaint, a case has been registered.



3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case.

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that the injured has been discharged on 27.12.2021 and that was a grievous injury.

5. The learned counsel for the petitioner submitted that the parties are close relatives and no weapon has been used for assaulting the injured person. Even from the offences made in the First Information Report, hand is used as weapon. The injured is suffering from epilepsy. When he was pushed down, he suffered the injury. Except that there is no assault.

6. Whatever it may be, the injured was discharged and considering the fact that the parties are close relatives and no previous motive exists, a sudden fight arose between them when an enquiry is made by the accused, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this Criminal Original Petition is allowed and petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate No.II, Thoothukudi, 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.

8. 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.

Sd/-
04/01/2022

/ TRUE COPY /

/ /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 NO.II,
THOOTHUKUDI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,
MUTHAIYAPURAM POLICE STATION,
THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.19509 of 2021

Date :04/01/2022

SP/JM/SAR II/10/01/2022/3P/5C