



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 10/01/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.19873 of 2021

WEB COPY

1. Vinoth @ Vinoth Kumar
2. Sakkaraisamy
3. Lakshmi

... Petitioners/Accused No.1 to 3

Vs

State Rep.by
The Inspector of Police,
Mandalamanickam Police Station,
Ramanathapuram District.
Cr.No. 180 of 2021.

... Respondent/Complainant

For Petitioners: Mr.R.Karunanidhi,
Advocate.

For Intervener : Mr.S.Ramsundar Vijayraj
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.180 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused No.1 to 6, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 323, 506(ii) I.P.C, in Crime No.180 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to cutting of trees there was trouble between the parties, in which, the accused persons joined together, assaulted the *defacto* complainant severely. 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. Hence, prays to release them on bail.

4.The learned counsel appearing for the intervener submitted that due to severe assault the injured was admitted in Sivagangai Government Hospital, then referred to Madurai Rajaji Hospital and also produced medical records.



5.The learned additional Public Prosecutor appearing for the respondent police submitted that first petitioner is having many previous cases and second and third petitioners are not having any previous cases at their credit.

6.Perusing the medical records filed by the intervener shows that the *defacto* complainant was suffering from cyst formation in the abdomen and no external injuries noted in the wound certificate and only multiple liver cysts were noted.

7.Considering the fact that it is a simple issue of cutting trees between the parties and that the injured was discharged from the hospital, but considering the bad antecedents of the first petitioner, this Court is inclined to grant anticipatory bail to the second and third petitioners alone.

8.Accordingly, this Criminal Original Petition is allowed and the second and third petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate, Kamuthi, on condition that the second and third 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 second and third petitioners shall appear before the respondent police daily at 10.30 a.m. until further orders. The second and third petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

9.The second and third 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.

10.Considering the bad antecedents of the first petitioner, this Court is not inclined to grant anticipatory bail to the first petitioner. Accordingly, this Criminal Original Petition is dismissed, with respect to first petitioner.

sd/-
10/01/2022

/ 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.

WEB COPY

- TO
- 1 THE JUDICIAL MAGISTRATE,
KAMUTHI.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
 - 3 THE INSPECTOR OF POLICE
MANDALAMANICKAM POLICE STATION,
RAMANATHAPURAM DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.R.KARUNANIDHI, Advocate (SR-221[I] dated 12/01/2022)

ORDER
IN
CRL OP(MD) No.19873 of 2021
Date :10/01/2022

RS/PN/SAR.1(02.02.2022) 3P-6C