



WEB COPY



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/12/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP (MD) . No.21384 of 2022

1. Chinnasamy
2. Abishek
3. Maheswari

... Petitioners/Accused
No.1,4 & 5

Vs

State rep.by
The Inspector of Police,
Kadamalaikundu Police Station,
Theni District.
(Crime No.290/2022).

... Respondent/Complainant

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

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

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

PRAYER :-

For Anticipatory Bail in Crime No.290/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused No.1,4& 5, apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 323, 324, 342, 307 and 506(ii) I.P.C., in Crime No.290 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to previous motive with regard to the land dispute between the petitioners and the defacto complainant, on 17.10.2022, at about 09.00 a.m, the



petitioners along with other accused said to have abused the defacto complainant in filthy language and attacked him and his family members with iron rod and caused injury. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that it is a case and case in counter. Counter case has been registered against the petitioner in Crime No.291 of 2022. The injured was discharged from the hospital. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that it is a case and case in counter. The injured was discharged from the hospital. However, the first petitioner is having 1 previous case.

5. Due to the previous motive regarding to the land dispute, it appears that trouble arose between two groups of people. Over which, present occurrence said to have taken place. Due to which, 2 FIRs have been registered. Present FIR has been registered in Crime No.290 of 2022 and counter case has been registered in Crime No.291 of 2022. Reading of both FIRs shows that on 17.10.2022, at about 9.30 a.m, trouble has again arisen between two parties and both sides attacked each other and got injury. In both cases, the injured were discharged from the hospital.

6. Considering the facts and circumstances of the case and also considering the fact that even though the petitioner is having 1 previous case, now, in the present occurrence, the injured was discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner.

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.

8. 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/-
02/12/2022

/ TRUE COPY /

/12/2022

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



1. THE JUDICIAL MAGISTRATE,
AUNDIPATTI,
THENI DISTRICT.
2. -DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
3. THE INSPECTOR OF POLICE,
KADAMALAIKUNDU POLICE STATION,
THENI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.PRAKASH K Advocate SR.No.60091

ORDER

IN

CRL OP (MD) No.21384 of 2022

Date :02/12/2022

SP/BUC/SAR II/15/12/2022/3P/6C