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CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/12/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.22667 of 2022

1. Kumar,
2. Indira @ Indra,
3. MuthuPandi,
4. Raja,
5. Lingam,
6. Isravel,
7. Kartheesan, ... Petitioners/Accused Nos. 1 to 7

Vs

State Rep.by
The Inspector of Police,
Koondankulam,
Tirunelveli District.
Cr.No.490/2022. ... Respondent/Complainant

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

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

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

PRAYER :-

For Anticipatory Bail in Crime No.490/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

<https://www.mhc.tn.gov.in/judis>



The petitioners/Accused No.1 to 7, apprehending arrest from the hands of the respondent police for the alleged offence punishable under Sections 147, 148, 294(b), 323, 355 and 506(2) IPC in Crime No.490 of 2022 on the file of the respondent police, seek anticipatory bail.

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2.The case of the prosecution is that the de-facto complainant was standing before the shop to attend the enquiry in connection with a complaint lodged by the second petitioner/A2, at that time, the petitioners scolded the de-facto complainant in filthy language and attacked him with wooden log and slipper and thereby, the de-facto complainant caused injury on his face and head. Hence, the complaint.

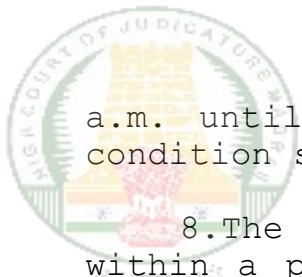
3.The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that a counter case in Crime No.489 of 2022 is pending against the de-facto complainant party. Hence, he seeks for anticipatory bail.

4.The learned Government Advocate (Crl. Side) for the respondent police submitted that it is a case and case in counter and there was an issue between them, the above said occurrence has been taken place. He would further submit that the petitioners 1, 3 and 4 are having three previous cases; the sixth petitioner is having two previous cases; the seventh petitioner is having one previous case; and the second and fifth petitioners are having no previous case. He would further submit that the injured has been treated as out patient. Hence, he strongly opposed to grant anticipatory bail.

5.Reading of the FIR in Crime No.489 of 2022 shows that on 04.12.2022 at about 09.20 p.m., trouble has arisen between two groups of people, a criminal intimidation was made and on the basis of the said occurrence, the counter case in Crime No.490 of 2022 was registered against the petitioners herein.

6.Considering the nature of offence, the overt act attributed against the petitioners, the injured person has been treated as out patient, 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 Court, Radhapuram, Tirunelveli 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/-
21/12/2022

/ TRUE COPY /

/01/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE,
RADHAPURAM
TIRUNELVELI DISTRICT.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE
KOONDANKULAM,
TIRUNELVELI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to MR.K.SIVABALAN, Advocate SR.No.15298(I) DATED 22/12/2022

ORDER
IN
CRL OP(MD) No.22667 of 2022
Date :21/12/2022

PKP/SSS/SAR-3/06.01.2023/3P/6C