



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )

Date : 09/01/2023

PRESENT

**The Hon`ble Mr.Justice G.ILANGO VAN**

WEB COPY

CRL OP(MD). No.391 of 2023

1. Yogaraj,  
2. Arumugam,

... Petitioners/Accused Nos.1 & 3

**Vs**

The State rep.by  
The Inspector of Police,  
Nagamalai Pudukottai Police Station,  
Madurai District.  
Crime No.408/2022.

... Respondent/Complainant

For Petitioners : M/s.Kishore Ram.K.R.,  
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.408 of 2022 on the file of the respondent Police.

**ORDER :** The Court made the following order :-

The petitioners/Accused No.1 & 3, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 447, 427 and 506(2) IPC in Crime No.408 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that due to civil dispute, the petitioners along with other accused trespassed into the house of the defacto complainant, abused him and threatened him with dire consequences. Further the accused persons also caused damage to the properties of the defacto complainant. Hence the case came to be registered.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and a false case has been foisted against them. He would further submit that no one sustained injuries in the said occurrence and A1 has been released on bail by the learned Judicial Magistrate, Thirumangalam and A2 has also been granted anticipatory bail by this Court in Crl.O.P.(MD)No.133 of 2023, dated 05.01.2023. Hence he seeks anticipatory bail.

4.The learned Government Advocate(Crl.Side) appearing for the respondent would submit that it is a civil dispute between the



brother and sister. He would also submit that A1 has been obtained on bail by the trial Court and A2 has also been obtained anticipatory bail by this Court.

5. Taking into consideration of the facts and circumstances of the case and also the facts that there existed civil dispute between the brother and sister and the co-accused have already been obtained bail and anticipatory bail, this court is inclined to grant anticipatory bail to the petitioners with certain conditions:

6. 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 No.VI, Madurai, 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.

7. 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/-

09/01/2023

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/01/2023

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

SJI

TO

1 THE JUDICIAL MAGISTRATE NO.VI, MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE,  
NAGAMALAI PUDUKOTTAI POLICE STATION, MADURAI DISTRICT.

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

**ORDER IN**

CRL OP(MD) No.391 of 2023

Date : 09/01/2023

SA/SSS/SAR.3/19.01.2023/2P/5C

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