



CRL OP(MD)No.12084 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/07/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD)No.12084 of 2023

Karuppasamy

... Petitioner / Sole Accused

Vs

State represented by
The Inspector of Police,
Palanichettipaty Police Station,
Theni District.

(In Crime No.305 of 2023)

... Respondent/Complainant

For Petitioner : M/s.D.VENKATESH, Advocate

For Respondent : Mr.S.MANIKANDAN

Government Advocate (Crl.side)

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

PRAYER :- For Anticipatory Bail in Crime No.305 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner / Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 323, 427, 379(NH) and 506(i) of IPC and Section 4 of TNPHW Act in Crime No.305 of 2023 on the file of the respondent police, seeks anticipatory bail.



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2. The case of the prosecution is that due to previous motive in a pathway dispute, the petitioner abused the defacto complainant with filthy language and attacked by using hands. During the incident, the petitioner damaged the defacto complainant's mobile phone and the petitioner has taken away the gold chain worn by the defacto complainant.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He has been falsely implicated in this case. Hence, seeks for the relief of anticipatory bail.

4. It is pathway dispute between the petitioner and the defacto complainant, over which there was a continuous trouble between the parties. For the above said dispute so far three cases have been registered against the parties. One case has been registered against the defacto complainant and one case against the petitioner herein. With regard to the same issue, the advocate of the defacto complainant has also given a complaint against the petitioner which is stated to be pending. Since in the First Information Report, it has been stated that at the time of occurrence, 5 1/2 sovereigns of gold jewel was missing. The CCTV available in the place was ordered to verified.

5. The learned Government Advocate (Crl.side) would submit that it is not available and it would automatically erase due to the lapse of time.

6. Considering the facts that it is a continuous issue between the parties over



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pathway and it is a case, case in counter, this Court is inclined to grant relief to the petitioner. In view of the continuous issue between the parties over pathway and repeated complaints, let the petitioner appear before the respondent police and co-operate with the enquiry.

7. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate, Theni, on condition that the petitioner 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 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/-
21/07/2023

/ TRUE COPY /

/08/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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PNN

TO

1 THE JUDICIAL MAGISTRATE,
THENI.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, THENI DISTRICT.

3 THE INSPECTOR OF POLICE,
PALANICHETTIPATY POLICE STATION,
THENI DISTRICT.

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

+1. CC to M/S.VENKATESH.D Advocate SR.No.11170

ORDER

IN

CRL OP(MD) No.12084 of 2023

Date :21/07/2023

SA/VR/SAR. /02.08.2023/4P/6C

Madurai Bench of Madras High Court is issuing
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