



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

Date : 04/07/2023

PRESENT

WEB COPY

The Hon'ble Mr.Justice G.ILANGO VAN

CRL OP (MD) . No.12093 of 2023

Vadivelan

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Aviyur Police Station,
Virudhunagar District.
(Crime No.69 of 2023).

... Respondent/Complainant

For Petitioner : M/s.Sivaprakash.S,
Advocate.

For Respondent : S.Manikandan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.69 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 324 and 506(ii) I.P.C, in Crime No.69 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and the defacto complainant are neighbours and over laying pipe line in the pathway, dispute exist between them. Due to the above said enmity on 21.06.2023 at 3.45 p.m., the petitioner assaulted the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the counter First Information Report has been registered in Crime No.71 of 2023 for the offences punishable under Section 341, 427, 323, 324 and 506(i) IPC, wherein it has been stated that the petitioner sustained injury and his mobile phone worth about Rs.20,000/- was taken and got damaged by the defacto complainant herein. Further he would submit that petitioner is innocent and he has been falsely implicated in this case.

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that the petitioner is involved in two previous cases. The injured person has been discharged from the hospital.



5. Considering the nature of offence, case and counter cases, the overt act attributed against the petitioner, the injured person has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this Criminal Original Petition is allowed and petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate No.II, Virudhunagar, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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.

7. Since the petitioner is involved in two previous cases, the petitioner shall file an undertaking affidavit before the concerned trial Court, stating that he will not indulge in any such sort of illegal activities in future. 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/-

04/07/2023

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/07/2023

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

INDU
TO

- 1 JUDICIAL MAGISTRATE NO.II
VIRUDHUNAGAR
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, VIRUTHUNAGAR DISTRICT.
- 3 THE INSPECTOR OF POLICE
AVIYUR POLICE STATION, VIRUDHUNAGAR DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.12093 of 2023

Date :04/07/2023