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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 07/07/2023

THE HON'BLE MR JUSTICE G.ILANGO VAN

Cr1.OP(MD)No.12184 of 2023

1.Prabhu @ Prabhakaran

2.Saravanan

: Petitioners/A1 and A5

Vs.

State represented by
The Inspector of Police,
Karambakudi Police Station,
Pudukkottai District.

(Crime No.161 of 2023)

: Respondent/Complainant

For Petitioners

: Mr.K.C.Maniyarasu

For Respondent

: Mr.B.Nambiselvan

Additional Public Prosecutor

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

PRAYER:- For Anticipatory Bail in Crime No.161 of
2023 on the file of the Respondent Police.

ORDER: The Court made the following order:-



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The petitioners/A1 and A5, who apprehend arrest at the hands of the respondent police for the offences punishable under sections 147, 447, 427, 323, 324, 506(ii), 379, 363, 511 and 307 IPC, in Crime No.161 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first accused one Prabhu had fallen in love with the de-facto complainant's sister. Though on several occasions, the first accused approached the de-facto complainant for marrying his sister, he refused to arrange marriage. In the meantime, on 13/06/2023, the first accused along with other accused went to his house, attacked him and his mother and damaged the house of the de-facto complainant and had stolen his mother's gold chain weighing 7 sovereigns. Hence, the complaint.

3.Heard both sides and perused the materials available on record.



4.The co-accused namely Ashok Kumar, Pandi, Ayyasamy, Bakiyaraj and Subramani were granted anticipatory bail by this court in CrI.OP(MD)No.11990 of 2023, dated 30/06/2023 and this petition has been filed by the petitioners, who are arrayed A1 and A5.

5.As per the case of the prosecution, A1 namely Prabhu @ Prabhakaran was in love with the de-facto complainant's sister namely Vaishnavi and that was not accepted by the de-facto complainant family. But however, the above said request and pressure was continued by the first petitioner namely Prabhu @ Prabhakaran. On the particular date I.e., on 13/06/2023 at about 11.00 pm in the night, the accused persons by braking open the door, entered into the house of the de-facto complainant and caused assault and extensive damage.

6.The learned counsel appearing for the petitioners would submit that no damage was caused to the articles. They were simply went to the house of the de-facto complainant with the above said proposal of marriage, over which, this false complaint has been given. But in the complaint, it has been stated that the articles worth about Rs.10,000/- was found damaged.



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7.Considering the fact that it is a love affair between the de-facto complainant's sister and the first accused, over which, the above said trouble said to have been arisen, this court is inclined **to grant anticipatory bail** to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Karambakudi and on each of them executing a bond for a sum of Rs. 10,000/- (Rupees Ten Thousand only) with two common sureties each for a like sum to the satisfaction of the learned Judicial Magistrate concerned and on further condition that the petitioners shall deposit a total sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of the Crime No.161 of 2023 before the trial court and on further condition that the petitioners shall appear before the respondent police daily at 10.00 a.m. until further orders. The petitioners shall comply with the condition stipulated under **Section 438 Cr.P.C.** scrupulously.

Index:Yes/No

Internet:Yes/No

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To,

- 1.The Judicial Magistrate,
Karambakudi.
- 2.The Inspector of Police,
Karambakudi Police Station.
Pudukuttai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN, J

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Crl.OP (MD) No.12184 of 2023

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