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CRL OP(MD) No.12177 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/07/2023

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

CRL OP(MD) No.12177 of 2023

1.Backiyaraj,
2.Dhanasekaran,

... Petitioners/ Accused Nos.2 & 4

Vs

The State of Tamil Nadu,
The Inspector of Police,
Viralimalai Police Station,
Pudukkottai City.
Crime No.218/2023.

... Respondent/Complainant

For Petitioner : Mr.C.SUSIKUMAR,
Advocate.

For Respondent : Mr.VAIKKAM KARUNANITHI,
Government Advocate (Crl.Side)

For Intervenor : M/s.A.ARUL JENIFER,
Advocate.

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

PRAYER :- For Anticipatory Bail in Crime No.218/2023 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/ Accused Nos.2 to 4 apprehending arrest at the hands of the respondent Police for the alleged offence punishable under Sections (*)147, 341, 294(b), 323, 506(ii) and 307 of IPC in Crime No.218 of 2023 on the file of the respondent Police, seek anticipatory bail.



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2. The case of the prosecution is that due to the election motive, when the defacto complainant and another going to his bricks chamber in a car, the petitioners along with other accused said to have way laid him, they have abused and the first accused tried to assault the defacto complainant with knife, he had escaped. Hence, the complaint.

3. The learned Government Advocate (Crl. Side) for the respondent Police submitted that the accused 3 and 4 were arrested and released on bail.

4. The learned counsel for intervenor/defacto complainant would submit that subsequent to the above said crime, another crime is committed by the first accused in this matter. Because of the earlier quarrel raised between the parties, the second occurrence said to have taken place. If the petitioners are released on anticipatory bail, they will tamper the witnesses and communal issue may arise.

5. The learned counsel for the petitioner would submit that because of the issue raised between the defacto complainant and the petitioners over token for unloading and loading the sand, the above said occurrence said to have taken place. Except that no communal issue has arisen here.

6. Considering the fact that even though Section 307 of IPC is mentioned in the First Information Report, no injury has been caused and A3 and A5 were granted on anticipatory bail in Crl.M.P. No.2179 of 2013 dated 06.07.2023, this Court is inclined



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to grant anticipatory bail to the petitioners.

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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, Illuppur, 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. The petitioners are directed to stay at Trichy for the period of one month. the petitioners shall appear before the learned Judicial Magistrate No.I, Trichy, daily at 10.30 a.m., for one month. 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/-
11/07/2023

(*)Amended as per order of the Court
dt.11/07/2023 in CrI.MP(MD).9942 of 2023 in
CrI.OP(MD).12177 of 2023.

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



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INDU
TO

1 THE JUDICIAL MAGISTRATE, ILUPPUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.

3 THE INSPECTOR OF POLICE,
VIRALIMALAI POLICE STATION, PUDUKKOTTAI CITY.

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

1 THE JUDICIAL MAGISTRATE NO.I, TRICHY.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.

ORDER

IN

CRL OP(MD) No.12177 of 2023

Date :11/07/2023

SA/MMS/SAR. /10.08.2023/4P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.