



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

Date : 06/07/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.12207 of 2023

P.Maruthu

... Petitioner / Sole Accused

Vs

State represented by
The Inspector of Police,
Aviyoor Police Station,
Virudhunagar
(Crime No.49 of 2023).

... Respondent / Complainant

For Petitioner : M/s.Ananda Kumar.N, Advocate

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

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

PRAYER :-

For Anticipatory Bail in Crime No.49 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), 324, 506(i) of I.P.C r/w Section 4 of TNPHW Act, in Crime No.49 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that there was a pathway dispute between the neighbours, over which, the accused had abused and assaulted the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioner submitted that there was a pathway dispute between the parties, over which, a false complaint has been foisted against him. On the basis of complaint given by the petitioner, a case in Crime No.50 of 2023, has been registered against the defacto complainant. Now, the injured has



been discharged from the hospital and the petitioner is not appearing in any previous case. Hence, prays to release the petitioner on anticipatory bail.

4.The learned Government Advocate (Crl.Side) submitted that there was a pathway dispute between the parties, a case and case in counter were registered against the parties. In this case, the injured was discharged from the hospital and the investigation is not yet completed. Hence, prays to dismiss the petition.

5.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6.Taking into consideration the facts and circumstances of the case and considering the fact that it is a case and case in counter pending against the parties and nature of pathway dispute pending against the neighbours, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 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.

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/-
06/07/2023

/ TRUE COPY /

/07/2023

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

PNM

TO

1. The Judicial Magistrate No.II, Virudhunagar.

2. Do-Through The Chief Judicial Magistrate,
Virudhunagar District at Srivilliputhur.

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



3. The Inspector of Police,
Aviyoor Police Station,
Virudhunagar

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.N.ANANDA KUMAR, Advocate (SR-10279[I] dated 06/07/2023)

ORDER

IN

CRL OP(MD) No.12207 of 2023

Date :06/07/2023

ED/ /SAR- (10/07/2023) 3P 6C