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CRL OP(MD). N



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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.12282 of 2023

1. K. Prasanth @ Prasath

2. J.Barathvaj @ Barath

... Petitioners/Accused Nos. 1 & 2

Vs

State Rep.by
The Inspector of Police,
Kalugumalai Police Station,
Thoothukudi District
(Crime No.115 of 2023).

... Respondent/Complainant

For Petitioners : M/s.Maria Vinola.M,Advocate

For Respondent : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.115 of 2023 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 323, 506(ii) of I.P.C, in Crime No.115 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to previous enmity on account of collecting amount, on 27.06.2023 at about 09.30PM, the accused persons abused and assaulted the defacto complainant, his aunt and uncle, since the defacto complainant stated that he has no money. The accused persons also criminally threatened them. Hence, the complaint.



3.The learned counsel for the petitioners submit at the petitioners are innocent and a false case was foisted against them, since there was a previous enmity between the parties. The injured has been discharged from the hospital. Hence, prays to release them on anticipatory bail.

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4.The learned Government Advocate (Crl.Side) submitted that in this case, though the injured has been discharged from the hospital, the accused persons abused and assaulted the defacto complainant and his aunt and uncle. 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 the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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 No.I, Kovilpatti**, 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 and the petitioners shall appear before the respondent police daily at 10.30 a.m. until further orders. 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/-

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/07/2023

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

PNM

TO

1 THE JUDICIAL MAGISTRATE NO.I
KOVILPATTI.



- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.
- 3 THE INSPECTOR OF POLICE
KALUGUMALAI POLICE STATION,
THOOTHUKUDI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M.MARIA VINOLA, Advocate (SR-10319[I] dated 06/07/2023
)

ORDER
IN
CRL OP(MD) No.12282 of 2023
Date :06/07/2023

PKP/ /SAR- /10.07.2023/ **3P/6C**