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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/07/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.12487 of 2023

1.S.Murugan
2.S.Manthiri @ Krishnavel
3.S.Manikandan
4.S.Mani
5.P.Vicky @ Vigneshawaran
6.K.Ganeshan
7.K.Sundaram

... Petitioners/ Accused Nos.1 to 3 and 5 to 8

Vs

State represented by
The Inspector of Police,
Kallikudi Police Station,
Madurai District.
Crime No.95/ 2023.

... Respondent/Complainant

For Petitioners : M/s.S.Jansi Rani, Advocate

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

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

PRAYER :-

<https://www.mhc.trg.gov.in/judis/> For Anticipatory Bail in Crime No.95 / 2023 on the file of the respondent police.



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ORDER : The Court made the following order :-

The petitioners/Accused Nos.1 to 3 and 5 to 8, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 148, 427, 323, 324, 506(ii), 379 of IPC and Section 4 of TNPWH Act in Crime No.95 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to election motive between the parties, the petitioner's came to the house of the defacto complainant and assaulted him, damaged the petitioner's house, two wheeler and assaulted the defacto complainant's wife with Aruval and snatched gold chain from her. She sustained injury and admitted in the hospital.

"3. The learned counsel for the petitioner submitted that the petitioner Nos. 2 and 7 were admitted in the hospital at the time of alleged occurrence, this petition has been filed. Apart from these two petitioners, other petitioners are arraying based on a false complaint. So far as the second petitioner namely Krishnavel is concerned, it is seen that he was admitted in the Government Hospital, Virudhunagar on 23.05.2023, later discharged on 28.05.2023.



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4. The discharge summary copies of the Petitioner Nos.2 and 7 are also produced. So far as the petitioner No.7 Sundaram is concerned, he was also admitted on 22.05.2023 and discharged on 27.05.2023. In the FIR, the date of occurrence, stated to be on 23.05.2023, at about 7.00 hours. In the written statement, the occurrence is mentioned as 23.05.2023 at about 10.00 hours. So far as the learned counsel for the petitioner, the occurrence has been taken place as mentioned in the First Information Report. So far as the petitioners 2 and 7 are concerned, they were granted anticipatory bail, so far as the other are concerned, the Government Advocate (Crl.side) would submit that jewels has not been recovered so far.

5. It is submitted by the learned counsel for the petitioner that since petitioners 2 and 7 were admitted in the hospital, the other petitioners were also in the hospital, attending the injured, according to them, the occurrence would not have taken place.

6. Since 5 sovereigns of gold jewels alleged to have been found missing. So the petitioner Nos.1,3,4,5 and 6 are not entitled for anticipatory bail.



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7. The learned Government Advocate (Crl.side) would submit that the first petitioner is having bad antecedent.

8. Eventhough a submission has been made that the other accused persons were also in the hospital for attending the petitioners 2 and 7, there is no document has been submitted to prove the statement. Considering the antecedents of the first petitioner, this Court is not inclined to grant anticipatory bail to the petitioners 1,3,4,5 and 6. The petitioners shall surrender either before the respondent police or before concerned Court and seek regular bail.

9. This Criminal Original Petition is dismissed with respect to petitioners 1,3,4,5 and 6.

10. Considering the facts and circumstances of the case and also the fact that the petitioners 2 and 7 were admitted in the hospital at the time of occurrence, this Court is inclined to grant anticipatory bail to them with conditions.

11. Accordingly, this Criminal Original Petition is allowed and the petitioners 2 and 7 are ordered to be released on bail in the event of arrest or on their appearance, before the learned *Judicial Magistrate, Thirumangalam*, on



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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 2 and 7 shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioners 2 and 7 shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

12. The petitioners 2 and 7 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 will stand dismissed."

sd/-
17/07/2023

(*)CORRECTED AS PER THE ORDER DATED
01/08/2023 IN CRL OP(MD)No.12487 of 2023.

/ TRUE COPY /

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

PNN

TO

TO BE SUBSTITUTED WITH THE ORDER DATED 17/07/2023 ALREADY
DESPATCHED.

1 THE JUDICIAL MAGISTRATE, THIRUMANGALAM,
MADURAI.

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



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2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE,
KALLIKUDI POLICE STATION, MADURAI DISTRICT.

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

+1 CC to M/s.S.JANSI RANI, Advocate (SR-10941[I] dated 19/07/2023)

ORDER
IN
CRL OP(MD) No.12487 of 2023
Date :17/07/2023

RS/DD/26.07.2023/6P/4C

SS/MMS/08/08/2023/6P/6C

Madurai Bench of Madras High Court is issuing
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