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1

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 12/07/2023

THE HON'BLE MR JUSTICE G.ILANGOVAN

Cr1.OP(MD)No.12365 of 2023
and
Cr1.MP(MD)No.9790 of 2023
in
Cr1.OP(MD)No.8473 of 2023

(1)Cr1.OP(MD)No.12365 of 2023:-

Sathishkumar : Petitioner/A1

Vs.

State rep. by its
The Inspector of Police,
Cumbum South Police Station,
Theni District.
(Crime No.205 of 2023)

: Respondent/Complainant

For Petitioner : Mr.S.Sundarapandian

For Respondent : Mr.M.Vaikkam Karunanithi
Government Advocate
(Criminal side)

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

PRAYER:- For Anticipatory Bail in Crime No.205 of
2023 on the file of the Respondent Police.



2

2.Crl.OP(MD)No.9790 of 2023:-

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S.Vijay

: Petitioner/Victim/
De-facto Complainant

Vs.

- 1.State represented by
The Inspector of Police,
Cumbum South Police Station,
Theni District.
(Crime No.101 of 2023) : R1/Respondent/Complainant
- 2.M.Nivek
- 3.Kalyani : R2 and R3/A4 and A5

For Petitioner : Mr.G.Karuppasamy Pandian

For 1st Respondent : Mr.S.Manikandan
Government Advocate
(Criminal side)

For R2 and R3 : Mr.M.Murugesan

PRAYER:-To cancel the Anticipatory Bail granted to the respondents 2 and 3/A4 and A5 in Crl.OP(MD)No.8473 of 2023, dated 04/05/2023.

COMMON ORDER: The Court made the following order:-



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A case in Crime No.100 of 2023 was registered on the basis of the complaint given by one Rajaprabhu against Kurunai Sathees and Vijay, who is the petitioner in CrI.MP(MD)No.9790 of 2023, which was filed seeking cancellation of anticipatory bail, that was granted to the respondents herein in Crime No.101 of 2023.

2.The above said complaint was given on the ground that the above said accused persons stolen away two sovereigns of gold jewels, one Samsung cell phone and Rs.1,200/- cash from him, when he was travelling from Cumbum to Suruli, midway. In that case, the accused were arrested and remanded to judicial custody.

3.Pending the above said investigation, another complaint was given by the above said Kurunai Sathees, who is one of the accused in Crime No.101 of 2023 against the complainant Rajaprabhu and others stating that all the accused persons assaulted them due to the alleged theft involved in Crime No.100 of 2023. So both the cases are pending investigation and some of the accused persons have been arrested.



4. Seeking anticipatory bail, A1 in Crime No.205 of 2023 has filed CrI.OP(MD)No.12365 of 2023.

5. As mentioned above, pending the above said investigation in the above said two cases, the present FIR has been registered in Crime No.205 of 2023 on the basis of the complaint given by Vijay stating that the above said accused persons caused assault, threatening him to withdraw the case, which was registered in Crime No.101 of 2023.

6. Reading of three cases CD filed shows that even though, they were friends at one point of time, trouble has arisen because of the alleged occurrence, which happened in Crime No.100 of 2023.

7. As mentioned above, the occurrence in Crime No.101 of 2023 is the consequent occurrence involved in Crime No.100 of 2023 and the subject complaint in Crime No.205 of 2023 is the other consequence.

8. Considering the above said facts and circumstances of the case, anticipatory bail that is filed by A1 is



liable to be allowed, since it is not a case of normal robbery, but it arose out of the trouble arose between the close friends. Even though, the de-facto complainant has filed a petition to cancel the anticipatory bail, that was granted in CrI.OP(MD)No.8473 of 2023 is concerned, I am of the considered view that it is liable to be dismissed.

9.As stated above, series of complaints and counter complaints have been given on both sides. What really happened on the particular date occurrence in Crime Nos.100 and 101 of 2023 is a matter for consideration during the course of investigation and trial. Absolutely, there is no compelling reason to cancel the anticipatory bail that was granted to A4 and A5 in CrI.OP(MD)No.8473 of 2023, dated 04/05/2023.

10.In the result, this court is inclined to grant anticipatory bail to the petitioner/A1 with certain conditions. Accordingly, the petitioner/A1 is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Uthamapalayam, Theni district and on his executing 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 Judicial Magistrate concerned and on further condition that the petitioner shall appear before the respondent police daily at 10.00 a.m. until further orders. The petitioner shall comply with the condition stipulated under [Section 438](#) Cr.P.C. scrupulously.

11. Accordingly, CrI.OP(MD)No.12365 of 2023 is **allowed** as stated above. CrI.MP(MD)No.9790 of 2023 in CrI.OP(MD)No.8473 of 2022 filed for **cancellation of anticipatory bail stands dismissed.**

Index:Yes/No
Internet:Yes/No
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12/07/2023

To,

- 1.The Judicial Magistrate,
Uthamapalayam,
Theni District.
- 2.The Inspector of Police,
Cumbum South Police Station,
Theni.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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7

G. ILANGO VAN, J

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and
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