



WEB COPY 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.12582 of 2023

1. Mohammed Basheer

2. Sulthan,

... Petitioners/ Accused No.1 & 2

Vs

The State represented by
The Inspector of Police,
Jeyamangalam Police Station
Jeyamangalam Post,
Theni District.
(Crime No.168 of 2023).

... Respondent/ Complainant

For Petitioners : M/s.Karuppasamypandian.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.168 of 2023 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners/ Accused who apprehend arrest at the hands of the respondent police for the offences punishable under sections 294 (b),323,324 and 506(ii) of I.P.C in

Crime No. 168 of 2023 on the file of the respondent police, seek anticipatory bail.



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2. The case of the prosecution as per the de-facto complainant is that due to property dispute petitioners herein abused and assaulted the defacto complainant and also threatened him with dire consequences, hence the case.

3. Heard both side and perused the materials available on record including the First Information Report.

4. The learned counsel for the petitioners submitted that this is the second application for anticipatory bail. The earlier anticipatory bail Petition filed by the petitioners in CrI.OP(MD)No.11254 of 2023 was dismissed by this Court on 23.06.2023 on the ground that 2 previous cases are pending against the first petitioner and five previous cases are pending against the second petitioner.

5. The learned counsel for the petitioners submitted that this second anticipatory bail petition has been filed mainly on the ground that it is case in counter case and the same was not brought to the knowledge of this court on the earlier occasion. He further submitted that for the very same occurrence FIR in Crime No.167 was registered belatedly and also submitted that in both cases, injured has been discharged from the hospital.



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6. The learned Additional Public Prosecutor appearing for the respondent police submitted that the first complaint was registered on 17.06.2023 and the counter complaint has been registered on 19.06.2023.

7. Considering the facts and the circumstance of this case and also the fact that the it is a case in counter case and the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners.

8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, before the learned Judicial Magistrate Court, Periakulam, Theni District, and on their 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 Magistrate concerned; and the petitioners shall appear before the respondent police on every Saturday at 10.30 am until further orders. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

9. The petitioners shall appear before the concerned Magistrate within a period of fifteen days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
11/07/2023

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/07/2023

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



WIP COPY

TO

- 1 THE JUDICIAL MAGISTRATE,
PERIAKULAM, THENI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
- 3 THE INSPECTOR OF POLICE
JEYAMANGALAM POLICE STATION
JEYAMANGALAM POST, THENI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.M.KARUPPASAMY PANDIAN, Advocate (SR-10473[I] dated 11/07/2023)

ORDER
IN
CRL OP(MD) No.12582 of 2023
Date :11/07/2023

SS/MMS/24/07/2023/4P/6C

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