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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/07/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.12790 of 2023

1. G.Mohanasundaram

2. U.Sarojadevi

3. S.Udhayakumar

4. Uma Maheswari

5. U.Karthikeyan

6. U.Balamurugan

7. Sudarvalli

8. M.Sasikumar

9. M.Sundarapandi

... Petitioners/ Accused 1 to 9

Vs

1. The State represented by
The Inspector of Police,
Sivakasi East Police Station,
Virudhunagar District.
Crime No.267 of 2023..

... 1st Respondent/Complainant

2. Angalaeswari

... 2nd Respondent/Defacto Complainant



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For Petitioners : Ms.Lakshmi Gopinathan, Advocate

For R1 : 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.267 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 147, 341, 294(b), 323, 324, 506(ii) IPC and Section 4 of TNPHW Act, in Crime No.267 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to elopement of the daughter of defacto complainant with the son of second and third accused, there was a enmity between the parties, over which, the accused persons had abused and assaulted the defacto complainant, thereby, caused injuries and also threatened him with dire consequences. Hence, the complaint.

3. The learned counsel for the petitioners submitted that it is a case in counter, based upon the complaint given by the petitioners, a counter case was registered in Crime No.261 of 2023 against the *defacto* complainant party and that 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) appearing for the respondent would submit that based upon the complaint given by the petitioners, case in counter was registered in Cr.No.261 of 2023 against the defacto complainant party. Though in both the cases injured were discharged from the hospital and there is no previous cases pending against the petitioners, in this case 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.Considering the nature of dispute between the parties, that in both the cases injured were discharged from the hospital, that the petitioners are not having any previous case at their credit and it is a case in counter, this Court is inclined to grant anticipatory bail to the petitioners.

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.2, Sivakasi*, 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.



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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/-
13/07/2023

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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.2, SIVAKASI.

2 DO-THROUGH :

THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE

SIVAKASI EAST POLICE STATION,
VIRUDHUNAGAR DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,

MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.POLAX LEGAL SOLUTIONS, Advocate (SR-10703[I] dated 14/07/2023)

ORDER
IN

CRL OP(MD) No.12790 of 2023

Date :13/07/2023

SS/MMS/21/07/2023/4P/6C