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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 14/07/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.12849 of 2023

- 1.Alagar
- 2.Ganesan
- 3.Bharath @ Uthayamoorthi
- 4.Malaisamy
- 5.Vasanthi @ Vasanthakumari
- 6.Balakrishnan
- 7.Mulumathi

... Petitioners/ Accused Nos.1,2,4,5,6,7 and 9

Vs

The State represented by
The Inspector of Police,
Melavalavu Police Station,
Madurai District.
Crime No.163/2023.

... Respondent/ Complainant

For Petitioners : M/s.D.S.Haroon Rasheed, Advocate

For Respondent : Mr.B.Nambiselvan
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.163/2023 on the file of the respondent police.



ORDER : The Court made the following order :-

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The petitioners/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 294(b), 323, 324, 336, 354 and 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.163 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the first accused has borrowed a sum of amount from the defacto complainant's brother. On 02.07.2023, when the defacto complainant's brother and the first accused met each other in a function, the defacto complainant's brother demanded his money back from the first accused. There arose a quarrel and the first accused joined with other accused persons, scolded the defacto complainant and his brother in filthy language. Thereafter, the accused persons went to the defacto complainant's house and assaulted him and his family members with wooden log and threatened them with dire consequence. Hence the complaint.

3.The learned counsel for the petitioners submitted that 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.

4.The learned Government Advocate (CrI.Side) submitted that it ia issue



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between the borrower and the lender. The injured has been discharged from the hospital. It is a case, case in counter. A counter has also been registered against the defacto complainant herein.

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, Melur*, 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



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of 15 days from the date on which the order copy made ready, failing which, the
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petition for anticipatory bail stands dismissed.

sd/-

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

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TO

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

+1 CC to M/s.D.S.HAROON RASHEED, Advocate (SR-10841[I] dated 18/07/2023)

ORDER
IN

CRL OP(MD) No.12849 of 2023
Date :14/07/2023

SS/DD/26/07/2023/4P/6C

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