



CRL OP(MD). No.13086 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/07/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.13086 of 2023

1. Kaleeswaran,

2. Manikandan,

... Petitioners/ Accused 1 & 2

Vs

The Inspector of Police,
Devakottai Town Police Station,
Sivagangai District.
(In Crime No.159 of 2023).

... Respondent/ Complainant

For Petitioner : M/s. Balaji.A,
Advocate.

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- For Bail in Crime No.159 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/ Accused No.1 & 2 herein, who were arrested on 04.07.2023 for the alleged offence under Sections 294(b), 341, 342, 307 and 506(ii) of IPC, in Crime No.159 of 2023 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the defacto complainant has borrowed a



CRL OP(MD). No.13086 of 2023

sum of Rs.60,000/- from the 1st petitioner. Out of which, he repaid Rs.40,000/- to him.

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Demanding remaining amount of Rs.20,000/-, the 1st petitioner, along with other accused persons involved in wordy quarrel, in which, the accused persons attacked the defacto complainant with aruval, caused some injury, abused him in filthy language and also threatened with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they were falsely implicated in this case and they have not committed any offence as alleged by the prosecution.

4.The learned Additional Public Prosecutor submitted that so far first petitioner is concerned, he has four previous cases in his credit, among which one case is disposed of. Another case in Crime No.265 of 2020, is pending for similar offence. However, the learned counsel for the petitioner would submit that this is arising out of a common pathway dispute between the defacto complainant and this petitioner and others. However, the learned Additional Public Prosecutor further would submit that in this case, even though the injured person has been discharged from the hospital, the 1st petitioner made assault on his head and caused severe injury. He would further submit that the second petitioner is having one previous case, however, not similar in nature.

5.Considering the previous antecedents against the first petitioner/first accused



CRL OP(MD). No.13086 of 2023

and also considering the injury sustained by the victim in this case, this Court is not inclined to grant bail to the first petitioner/first accused. Accordingly, this criminal original petition is dismissed in respect of the first petitioner/first accused.

6.Considering the fact that though the second petitioner/second accused is having one previous case, it not similar nature and considering the overt act attributed against him, this Court is inclined to grant bail to the second petitioner/second accused with certain conditions.

7.Accordingly, this criminal original petition is allowed in respect of the second petitioner/second accused alone and the second petitioner is ordered to be released on bail, on executing a personal 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, Devakottai and on further condition that the second petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

sd/-

27/07/2023

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27/07/2023

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

TM
TO
1 THE JUDICIAL MAGISTRATE,
DEVAKOTTAI.

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



CRL OP(MD). No.13086 of 2023

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

3 THE OFFICER INCHARGE,
DISTRICT PRISON, RAMANATHAPURAM DISTRICT.

4 THE INSPECTOR OF POLICE,
DEVAKOTTAI TOWN POLICE STATION,
SIVAGANGAI DISTRICT.

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

+1 cc to M/s. Balaji.A, Advocate, SR.No.11402 Dt.28/07/2023.

ORDER
IN
CRL OP(MD) No.13086 of 2023
Date :27/07/2023

SA/SAR. /27.07.2023/4P/7C
Madurai Bench of Madras High Court is issuing
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