



WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/07/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGOVAN

CRL OP(MD). No.13252 of 2023

Rajkumar

... Petitioner/ Accused No.4

Vs

The State represented by
The Inspector of Police,
Gandharvakottai Police Station,
Pudukkottai District.
(Crime No.238 of 2023).

... Respondent/Complainant

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

For Respondent : Mr.R.Suresh Kumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime no.238 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

<https://www.mhc.tn.gov.in/judis> The petitioner/ Accused, apprehending arrest at the hands of the



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respondent police for the alleged offence punishable under Sections 341, 294(b), 324, 506(ii), 379 of I.P.C, in Crime No.238 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that there was a land dispute between the parties, over which, on 17.05.2023 at about 07.00 a.m.m the accused persons had wrongfully confined the defacto complainant, abused and assaulted the defacto complainant and also threatened with dire consequences. They also committed theft of mobile phone. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and a false complaint has been foisted against him, on account of land dispute. The defacto complainant is the sister of the petitioner. Injured has been discharged from the hospital. Hence, prays to release the petitioner on anticipatory bail.

4.The learned Government Advocate (Crl.Side) submitted that the accused had abused and assaulted the defacto complainant. In this case, though the petitioner is not having any previous case at his credit and the injured has been discharged, the 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.



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6. Taking into consideration the facts and circumstances of the case and considering the fact that the injured has been discharged from the hospital and the petitioner is not having any previous case at his credit, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned *District Munsif cum Judicial Magistrate, Gandharvakottai*, on condition that the petitioner shall execute 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 petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8. The petitioner 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/-
20/07/2023

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/07/2023

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



WTO COPY

- 1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE,GANDHARVAKOTTAI.
 - 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, PUDUKOTTAI DISTRICT.
 - 3 THE INSPECTOR OF POLICE
GANDHARVAKOTTAI POLICE STATION,
PUDUKKOTTAI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1 CC to M/s.A.BANUMATHY, Advocate (SR-10984[I] dated 20/07/2023)

ORDER
IN
CRL OP(MD) No.13252 of 2023
Date :20/07/2023

SS/BUC/31/07/2023/4P/6C

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