



WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/07/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.13286 of 2023

1. Pitchairajan

2. Abishek Kumar

(In FIR the Name was wrongly mentioned
as Abishiek Kumar)

3. Mariyammal

... Petitioners/ Accused No.2,3 & 5

Vs

The State represented by
The Inspector of Police,
Melur Police Station,
Madurai District.
Crime No.457/2023..

... Respondent/Complainant

For Petitioners : M/s.Arputharaj.A, Advocate

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

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

PRAYER :-

<https://www.mhc.tn.gov.in/judges> For Anticipatory Bail in Crime No.457/2023 on the file of the respondent police.



W I 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, 294(b), 323, 506(ii) IPC, in Crime No.457 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on the eve of temple festival, there was a dispute between two groups, over which, on 11.07.2023 at about 10.15 p.m., the accused persons assaulted the defacto complainant and caused simple 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.456 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.

4. The learned Government Advocate (CrI.Side) appearing for the respondent would submit that based upon the complaint given by the petitioners,



case in counter was registered in Cr.No.456 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, investigation is not yet completed in this case. 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 and the facts 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 and 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, Melur, Madurai District*, 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/-
20/07/2023

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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
MELUR, MADURAI.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE
MELUR POLICE STATION,
MADURAI DISTRICT.

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

+1 CC to M/s.A.ARPUTHA RAJ, Advocate (SR-10976[I] dated 20/07/2023)

ORDER
IN

CRL OP(MD) No.13286 of 2023
Date :20/07/2023

SS/BUC/25/07/2023/4P/6C