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

Date : 21/07/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN
CRL OP(MD). No.13366 of 2023

1. Sangarapandi

2. Lakshmi Prabha

3. Gurunathan

4. Rathinam

(*)W/o.Gurunathan

... Petitioners/ Accused 1 to 4

Vs

The State represented by
The Sub Inspector of Police,
Batlagundu Police Station,
Dindigul District.

(*)Crime No.278 of 2023

... Respondent/ Complainant

**(*)Amended as per order of the Court, dated
21.07.2023 in CRL MP(MD)No.10520 of 2023 in
CRL OP(MD)No.13366 of 2023 by GIJ)**

For Petitioners : M/s.Ganapathi Subramanian P, 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.278 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

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



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respondent police for the alleged offence punishable under Sections (*)448, 294(b), 341, 323, 324, (*)427, 506(ii) of I.P.C, in Crime No.278 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that there was a dispute between the two brothers, over which, on 20.08.2022 at about 09.30a.m., the accused persons abused and assaulted the defacto complainant and also threatened with dire consequences. Hence, the complaint was registered on 08.07.2023, as per the direction of learned Judicial Magistrate Nilakottai.

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, based on the complaint given by the second petitioner, who is wife of first petitioner, a case in Cr.No.506 of 2022 was registered against defacto complainant and party on 11.12.2022. Only as a counter blast, the present FIR came to be registered, as per the direction of learned Judicial Magistrate Nilakottai in CrI.M.P.No.2620 of 2023, for the occurrence took place on 20.08.2022, Hence, prays to release them on anticipatory bail.

4.The learned Government Advocate (CrI.Side) submitted that though it is a case and case in counter and FIR in this case was registered with much delay, considering the nature of offence, prays to dismiss the petition.



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5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. It is a dispute between two brothers, over which, a case and case in counter were registered and both the occurrence took place in the year 2021 and in both cases wives of the brothers were involved. Taking into consideration of the above facts and circumstances of the case, 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, Nilakottai*, 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 of 15 days from the date on which the order copy made ready, failing which,



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the petition for anticipatory bail stands dismissed.

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sd/-
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/08/2023

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

PNM

TO

1 THE JUDICIAL MAGISTRATE, NILAKOTTAI

2 DO-THROUGH :

THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL DISTRICT.

3 THE SUB INSPECTOR OF POLICE

BATLAGUNDU POLICE STATION,
DINDIGUL DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,

MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.G.GANAPATHI SUBRAMANIAN, Advocate (SR-11191[I] dated
24/07/2023)

ORDER

IN

CRL OP(MD) No.13366 of 2023

Date :21/07/2023

SS/VRS/09/08/2023/4P/6C

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