



Crl.O.P(MD)No.13610 of 2023:

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/08/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). Nos.13610 and 13612 of 2023

Crl.O.P(MD)No.13610 of 2023:

Santhi @ Durga

... Petitioners / Accused No.5

Vs

The State represented by
The Inspector of Police,
Melapalayam Police Station,
Tirunelveli City, Tirunelveli.
(*)Crime No.457 of 2023.

... Respondent / Complainant

Crl.O.P(MD)No.13612 of 2023:

1.Ganesan

2.Venkateshwari

3.Muthukutty

... Petitioners / Accused Nos.2, 3 and 4

Vs

The State represented by
The Inspector of Police,
Melapalayam Police Station,
Tirunelveli City, Tirunelveli.
Crime No.457 of 2023.

... Respondent / Complainant

Santhi

... Petitioner/De facto Complainant

In Crl.MP(MD).11041/2023 in Crl.OP(MD).13612/2023



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In Both Petitions:

For Petitioners : M/s.R.MATHAVA SELVAM, Advocate

For Respondent : Mr.S.MANIKANDAN

Government Advocate (Crl.side)

For Intervener : Mr.M.ANANTH KUMAR , Advocate

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

PRAYER :- For Anticipatory Bail in (*)Crime No. 457 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ Accused No.5 (*) (in Cr.No.457 of 2023) and Petitioners / Accused Nos. 2 to 4(in Cr.No.457 of 2023), apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 294(b), 323, 324 and 506(ii) of IPC and Section 4 of TNPHW Act, in (*) Crime No. 457 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioners are brothers and sisters. It is case, case in counter. The petitioner / Accused No.5 Shanthi is doing cattle business. Ganesan is her brother, who is in the adjacent house and his son is alleged to have been doing some unlawful business, which was warned by the said Shanthi. A wordy quarrel arose between the two groups and both parties sustained injuries. Hence a case and a counter case were came to be registered.

3. The learned counsel for the petitioner would submit that the petitioners are



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innocent and due to the family dispute, these cases came to be registered.

4. The learned Government Advocate (Crl.side) would submit that both sides suffered injuries and the said Shanthi suffered grievous injury. Totally three FIRs have been registered for the occurrence.

5. Even though it is stated that the first petitioner Ganesan also suffered injury in the above said occurrence, it appears that there was no grievous injury.

6. Considering the facts and circumstances of this case and also considering the fact that it is a dispute between the family members, this Court is inclined to grant relief to the petitioners. Considering the fact that Shanthi has suffered grievous injury, the petitioners in Crl.O.P.(MD)No.13612 of 2023 are directed to pay a sum of Rs.50,000/- (Rupees Fifty Thousand) as treatment charges to Shanthi, directly.

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 No.V, Tirunelveli, on condition that the petitioners 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 on further condition that 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/-
01/08/2023

(*) AMENDED AS PER ORDER OF THIS
COURT DATED 04.10.2023 IN CRL MP(MD)
NO.13809 OF 2023 IN CRL OP(MD)
NO.13610 OF 2023

/ TRUE COPY /

/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNN

TO BE SUBSTITUTED WITH THE ORDER DATED 01/08/2023 ALREADY DESPATCHED
TO

1 THE JUDICIAL MAGISTRATE NO.V, TIRUNELVELI.

2 DO THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE,
MELAPALAYAM POLICE STATION,
TIRUNELVELI CITY, TIRUNELVELI.

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



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+1. CC to M/S.MATHAVA SELVAM.R Advocate SR.No.11641

ORDER IN
CRL OP(MD) No.13610 of 2023
Date :01/08/2023

SA/MMS/SAR.4 /17.08.2023/5P/6C

Madurai Bench of Madras High Court is issuing certified
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PKP/DD/SAR- /13.10.2023/ 5P/6C