



CRL OP(MD). No.13829 of 2023

WEB COPY

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

Date : 28/07/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN
CRL OP(MD). No.13829 of 2023

1. Vaithilingam
2. Thangadurai
3. Rajaguru
4. Saminathan

... Petitioners/ Accused No.1 to 4

Vs

The State rep.by,
The Inspector of Police,
Pavoorchatram Police Station,
Tenkasi District.
Crime No.233/2023..

... Respondent/Complainant

For Petitioners : M/s.Suresh Kumar.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.233/2023 on the file of the respondent police.

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 294(b), 323, 324, 506(ii) IPC, in Crime No.233 of 2023 on the file of the respondent police, seek anticipatory bail.



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2. The case of the prosecution is that due to land dispute, on 13.07.2023 at about 01.00p.m., there was trouble arose between two groups. At that time, the accused persons abused and assaulted the defacto complainant with shovel, in which, he sustained blood injuries in right hand and wrist. They also criminally 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 CSR was registered against the defacto complainant party and a civil suit is pending and also that the injured has been discharged from the hospital. Hence, prays to release them on anticipatory bail.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that based upon the complaint given by the petitioners, counter CSR was registered against the defacto complainant party. Though in this the case injured has been discharged from the hospital and there is no previous cases pending against the petitioners, investigation is not yet completed. Hence, 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. Considering the land dispute and pendency of civil suit between the parties and the facts that the injured has been discharged from the hospital, that the petitioners are not having any previous case at their credit and against the complaint of the petitioners, CSR was registered in the counter complaint, 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, Tenkasi, 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

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



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period of 15 days from the date on which the order copy made ready, failing which,
the petition for anticipatory bail stands dismissed.

sd/-
28/07/2023

/ TRUE COPY /

04 /08/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

pnm

TO

- 1.THE JUDICIAL MAGISTRATE, TENKASI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.
- 3.THE INSPECTOR OF POLICE,
PAVOORCHATRAM POLICE STATION, TENKASI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.SURESH KUMAR.P Advocate SR.No.11510

ORDER IN
CRL OP(MD) No.13829 of 2023
Date :28/07/2023

RK/MMS (04/08/2023) 4P /6C

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