



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/08/2023

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.14196 of 2023

1. G.Kanagaraj

2. Sangeetha

3. Gobi,

... Petitioners/ Accused 1 to 3

Vs

The State rep.by
The Inspector of Police,
Kattuputhur Police Station,
Tiruchirappalli District.
(Crime No.173 of 2023).

... Respondent/ Complainant

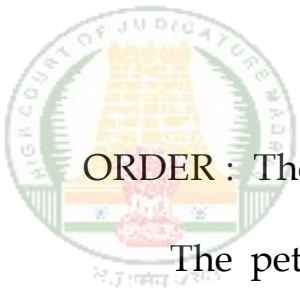
For Petitioner : M/S.ARUMUGAM,
Advocate.

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.173 of 2023 on the file of the
Respondent Police.



ORDER : The Court made the following order :-

The petitioners/Accused No.1 to 3, apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 324 & 506(ii) of IPC, in Crime No.173 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 20.07.2023, at 08.00 p.m., when the defacto complainant was standing near Unniyur Bus Stop, the petitioners herein attacked the defacto complainant, abused and threatened him in un-parliamentary language. Hence, the complaint.

3. It appears that over a land issue, frequent trouble arose and exists between the parties. Hence, the first FIR was registered in Crime No.179 of 2022, on the basis of the complaint given by this petitioner. The second occurrence took place in the form of case and counter case, over which, the present FIR in Crime No.173 of 2023, has been registered. As counter case FIR in Crime No.174 of 2023 has been registered.

4. Reading of both complaints, shows that on 20.03.2023, again trouble arose between the parties, over which, both parties sustained injuries and after taking treatment, both parties have been discharged from the hospital.

5. The learned Government Advocate (Crl. Side), would submit that the first petitioner is having three previous cases. Even though he has previous cases, it is a counter case, in which both sides got injured.



6. Apart from that it was submitted by the counsel for the petitioner that the third petitioner is juvenile on the date of occurrence. It appears that even on the date of the above said occurrence the petitioner is juvenile, in the cause title his age has been mentioned as 19 years. The reason for such mentioning according to the petitioner is that in the FIR the age of the third petitioner was mentioned as 19 years. Whatever may be, he has to mention the correct age in the cause title.

7. In view of the above said observations, this Court is inclined to grant anticipatory bail to the petitioners with conditions.

8. 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, Thottiyam, 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.

9. The petitioners shall appear before the concerned Magistrate within a period



WEB COPY

CRL OP(MD) N



23

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

sd/-
03/08/2023

This petition has been listed today under the caption 'for being mentioned' at the instance of the counsel for the petitioner.

2.It is submitted that while passing the order in Crl.O.P.(MD).No.14196 of 2023, on 03.08.2023, though the third petitioner is stated to be minor But, by mistake anticipatory bail was granted in favour of the third petitioner.

3.Since the third petitioner was stated to be juvenile on the date of occurrence, the above said order is modified to the effect that the criminal original petition is allowed only in respect of the petitioners 1 and 2. The third petitioner is concerned, since he is juvenile no question of anticipatory bail arise not arise and he shall be appear before the concerned competent authority namely, Juvenile Justice Board seeking relief.

4.Accordingly, this petition is clarified. Issue fresh order copy.

/ TRUE COPY /

(*)For Being Mentioned as per order of this Hon'ble Court dated 25/08/2023 in CRL OP (MD) No.14196 of 2023.

/09/2023

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

TM

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



TO
TO BE SUBSTITUTED WITH THE ORDER DATED 03/08/2023 ALREADY DESPATCHED
1 THE JUDICIAL MAGISTRATE, THOTTIYAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE,
KATTUPUTHUR POLICE STATION, TIRUCHIRAPPALLI DISTRICT.

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

COPY TO:

THE OFFICER INCHARGE,
JUVENILE JUSTICE BOARD,
TIRUCHIRAPPALLI DISTRICT.

+1. CC to M/S.ARUMUGAM Advocate SR.No.37319 (F) DT.04/08/2023.

ORDER IN
CRL OP(MD) No.14196 of 2023
Date :03/08/2023

SA/VRS/SAR. /18.08.2023/5P/6C

ED/vr/SAR- (07/09/2023) 5P / 7C

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