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WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 15/09/2023

THE HON'BLE MR JUSTICE G.ILANGO VAN

CrI.OP(MD)No.14317 of 2023

Karthik

: Petitioner/ Accused

Vs.

The State rep. by
The Inspector of Police,
Edaiyakottai Police Station,
Dindigul District.
(Crime No.55 of 2023)

: Respondent/ Complainant

U/s.294(b), 341, 323, 354 and 506(i) IPC

For Petitioner : Mr.M.Suresh, Advocate

For Respondent : Mr.S.Manikandan
Government Advocate
(Criminal side)

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

PRAYER:-For Anticipatory Bail in Crime No.55 of 2023 on the file of the
Respondent Police.



ORDER: The Court made the following order:-

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The petitioner, who is arrayed as accused apprehends arrest at the hands of the respondent police for the offences punishable under sections 294(b), 341, 323, 354 and 506(i) IPC, in Crime No.55 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 09/07/2023 at about 11.30 am, when the de-facto complainant was coming to Muthunaickanpatty near Vengamedu area, the petitioner herein came in a two wheeler, picked up quarrel by grabbing her hands and behaved in indecent manner. He also torn the jacket. Again, he tried to misbehave with her. When she raised alarm, she was abused, assaulted. Over the above said occurrence, she consumed poison. She was taken to the hospital and in the hospital, she gave statement, over which, a case in Crime No.55 of 2023 was registered for the offences stated above.

3.Seeking anticipatory bail, this petition has been filed mainly on the ground that as a counter-blast to the complaint given against the de-facto complainant, in Crime No.7 of 2021, this false complaint has been given. Apart from that, it is also submitted that at the time and date mentioned by the de-facto complainant, the petitioner was attending his fishing business in some other area. To show the same, he has also produced the CDR details. We need not go into the CDR details now. It

is a matter for consideration by the Investigating officer.

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4. Suffice to say that this complaint has been given as a counter-blast to the case in Crime No.7 of 2021 on the file of the All Women Police Station, Ottanchatram. Now the above said case has been registered against the son of the de-facto complainant under sections 11(1) and 12 of POCSO Act. Now it is stated to be pending before the trial court. Pending the above said trial process, the present occurrence said to have been taken place. It creates *prima facie* doubt in the mind of the court with regard to the very probability of the present occurrence and the case in Crime No.7 of 2021, which was registered on 22/07/2021 created some doubt in the mind of the court. It is also seen both are neighbours. Another case in Crime No.201 of 2021 was registered on the file of the Edaiyakottai Police Station, on the basis of the complaint given by one Madurai Veeran against the petitioner. It is also stated to be pending as STC No.169 of 2022 on the file of the Judicial Magistrate, Ottanchatram. So, it is seen that continuous trouble exists between them, over which complaints and counter complaints becoming the usual practice of the parties.

5. In view of the above fact, this court is inclined **to grant anticipatory bail** to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned ***Judicial Magistrate, Ottanchatram, Dindigul District*** and on his executing a bond



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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 Judicial Magistrate concerned and on further condition that the petitioner shall appear before the respondent police daily at 10.30 am until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

sd/-
15/09/2023

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

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To,
1 The *Judicial Magistrate*,
Ottanchatram, Dindigul District

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.

3.The Inspector of Police,
Edaiyakottai Police Station,
Dindigul District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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