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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/09/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.14592 of 2023

1.A.Jegathees
2.V.Mohanraj
3.R.Dinesh Kumar
4.S.Marichamy
(*)5.Achanna Kosal Ram
6.Muthalagaja Anandhi

... Petitioner/ Accused Nos.1 to 6

Vs

The State represented by
The Sub-Inspector of Police,
Kalugumalai Police Station,
Thoothukudi District.
Cr.No.142 of 2023.

... Respondent/Complainant

For Petitioner : M/s.R.Anand
Advocate.

For Respondent : Mr.R.Suresh Kumar
Government Advocate (Crl.side)



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

PRAYER :-

For Anticipatory Bail in Crime No.142 of 2023 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/ Accused apprehends arrest at the hands of the respondent police for the offences under Sections 147, 341, 294(b), 323, 506(i) and 379 (NP) of IPC in Crime No.142 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that due to some previous enmity, the defacto complainant has made complaint against the third petitioner herein. Due to the previous occurrence, on 18.05.2023, when the complainant was proceeding to his house in his bike, the petitioners have surrounded him and questioned him for filing complaint against the third petitioner. The petitioners alleged to have assaulted the defacto complainant and broken his mobile phone. In this incident, the gold chain of the defacto complainant was found missing. Hence the complaint.

3. The learned counsel for the petitioners submitted that the petitioners are innocent, they have been falsely implicated in this case and they have not committed any offence as alleged by the prosecution.



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4. When the matter was called on 10.08.2023, direction was issued to the petitioners to appear and co-operate with the investigation with regard to the missing of the mobile phone and jewels.

5. Learned Government Advocate (Crl.side) would submit that in pursuance of the direction, the petitioner appeared before the respondent. After investigation it was found that no such jewel or mobile phone was stolen or missing by the accused persons. Alteration report was also filed altering the offences as 147, 294(b), 323 and 506(i) of IPC.

6. Considering the facts and circumstances of this case this Court is inclined to grant relief to the petitioner.

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.1, Kovilpatti, Thoothukudi District, 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 petitioner shall appear before the respondent police

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



daily at 10.30 a.m., until further orders. The petitioner shall comply with the condition stipulated under Section 438 of Cr.P.C., scrupulously.

8. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy is made ready, failing which, the petition for anticipatory bail will stand dismissed.

sd/-
04/09/2023

(*)AMENDED AS PER ORDER OF THIS
COURT DATED 13.10.2023 IN CRL MP(MD)
NO.14561 OF 2023 IN CRL OP(MD)
NO.14592 OF 2023

/ TRUE COPY /

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

pnn

TO

TO BE SUBSTITUTED WITH THE ORDER DATED 04/09/2023 ALREADY
DESPATCHED

1 THE JUDICIAL MAGISTRATE NO.1,
KOVILPATTI,
THOOTHUKUDI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.



3 THE SUB INSPECTOR OF POLICE
KALUGUMALAI POLICE STATION,
THOOTHUKUDI DISTRICT.

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

+1 cc to M/S.R.ANAND, Advocate SR-15281

ORDER
IN
CRL OP(MD) No.14592 of 2023
Date :04/09/2023

SSA/VRS/14.09.2023/5P/5C
RK/DD/16.10.2023 5P/6C

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