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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/09/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). Nos.15181 & 15189 of 2023

S.Akash

... Petitioner/ Accused No.2

in CRL OP(MD)No.15181 of 2023

... Petitioner/ Accused No.1

in CRL OP(MD)No.15189 of 2023

Vs

The State represented by
The Inspector of Police,
Avaniyapuram Police Station,
Madurai District,
Crime No.511/2023

... Respondent/ Complainant

in CRL OP(MD)No.15181 of 2023

Crime No.508/2023.

... Respondent/ Complainant

in CRL OP(MD)No.15189 of 2023

in both the petitions:

For Petitioner : M/s.Ramsundarvijayraj.S,
Advocate.

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

PETITIONs FOR BAIL and ANTICIPATORY BAIL Under Sec.439 & 438 of Cr.P.C.

respectively



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PRAYER :-

Crl.O.P.(MD).No.15181 of 2023 For Bail in Crime No.511 of 2023 and Crl.O.P.(MD).No.15189 of 2023 For Anticipatory Bail in Crime No.508 of 2023, on the file of the respondent police.

(*)Amended as per of the Court dated 19/09/2023 in Crl OP(MD).15181 of 2023.

COMMON ORDER : The Court made the following order :-

The petitioner/Accused No.2 in Crl.O.P.(MD).No.15181 of 2023, who was arrested on 13.09.2023 for the alleged offence under Sections 341, 294(b), 324, 307, 506 (ii) of IPC, in Crime No.511 of 2023, on the file of the respondent police, seeks bail.

The petitioner/Accused No.1 in Crl.O.P.(MD).No.15189 of 2023, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 392 of IPC, in Crime No.508 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.In Crime No.508 of 2023, the defacto complainant lodged a complaint stating that he is working as a Cashier in a Hotel. On the particular date, he was invited to a particular place, where three persons came from the dark and snatched two mobile phones from him. On that basis the above said case was registered.

3.As a consequences to the above said FIR, the next occurrence said to have been taken place, for which, Crime No.511 of 2023 has been registered, wherein, it has



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been stated that because of the above said registration of the FIR in Crime No.508 of 2023, motive arisen between the defacto complainant and accused person and on 14.07.2023 at about 6.15 p.m., in the night, when the defacto complainant was riding his two wheeler, the accused persons intercepted him, caused assault with knife, hands and wooden log. After causing criminal intimidation, they went away from the place of occurrence. On that basis, the second complaint has been lodged and the FIR in Crime No.511 of 2023 has been registered.

4. Seeking anticipatory bail in both crime numbers, he moved both criminal original petitions.

5. While hearing the petitions, direction was issued to the petitioner to appear before the respondent police and hand over the mobile phones involved in Crime NO.508 of 2023. As directed by this Court, the petitioner appeared before the respondent police and handed over the mobile phones. But, at that time, without noticing the order of interim protection granted by this Court, arrest was effected on 13.09.2023 in respect of the Crime No.511 of 2023. On that ground **Crl.O.P.(MD). No.15181 of 2023 is hereby converted as regular bail application. Registry is directed to carry out necessary amendments in this regard in the petition in Crl.O.P.(MD).No.15181 of 2023.**

6. Because of the above said snatching of the said mobile phones in Crime



NO.508 of 2023, the subsequent occurrence in Crime No.511 of 2023 alleged to have been taken place. The accused persons caused assault upon the defacto complainant with knife and wooden log. Now the learned Additional Public Prosecutor would submit that the injured person has been discharged from the hospital. Therefore, without going into the merits of the case and on the ground that without noticing the order of interim protection granted by this Court in this cases earlier, arrest has been made, this Court is inclined to grant reliefs to the petitioner in both petitions.

7. Accordingly, **Criminal Original Petition in CrI.O.P.(MD).No.15181 of 2023 is allowed and the petitioner is ordered to be released on bail in respect of Crime No.511 of 2023**, on executing a personal 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 **Judicial Magistrate No.VI, Madurai** and **on further condition that the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.**

8. Accordingly, **Criminal Original Petition CrI.O.P.(MD).No.15189 of 2023 is allowed and petitioner is ordered to be released on bail in the event of arrest or on his appearance in Crime No.508 of 2023**, before the learned **Judicial Magistrate No.VI, Madurai**, on condition that the petitioner 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



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satisfaction of the learned Magistrate concerned and the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

sd/-
19/09/2023

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19/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

- 1 THE JUDICIAL MAGISTRATE NO.VI
MADURAI.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
- 3 THE OFFICER INCHARGE,
DISTRICT PRISON, THENI.
- 4 THE INSPECTOR OF POLICE
AVANIYAPURAM POLICE STATION,
MADURAI DISTRICT
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



WEB COPY +2 CC to M/s.S.RAMSUNDARVIJAYRAJ, Advocate (SR-13843, 13842[I] dated 19/09/2023)

ORDER
IN
CRL OP(MD). Nos.15181 & 15189 of 2023
Date :19/09/2023

SS/19/09/2023/6P/8C

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