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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/08/2023

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.15165 of 2023

1.Senthil

2.G.Bala @ Balasubramaniyan

3.A.Venkatesh

... Petitioners/ Accused Nos.1 to 3

Vs

The State, represented by
The Inspector of Police,
Virudhunagar West Police Station,
Virudhunagar District.
Crime No.159 of 2023.

... Respondent/ Complainant

For Petitioner : Mr.Ramasamy.S,
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.159/2023 on the file of the Respondent police.



ORDER : The Court made the following order :-

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The petitioners/Accused No.1 to 3, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 323, 506(i) I.P.C., in Crime No.159 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that there is previous enmity between the petitioners and the defacto complainant, who are neighbours. Due to that, on 06.08.2023 at about 11.00 p.m., when the defacto complainant was in his house, the petitioners abused the defacto complainant in filthy language threatened him with dire consequences. Hence, the complaint.

3. The learned counsel for the petitioners submitted that the petitioners are innocent and they are no way connected in this case. He seeks permission of this Court to withdraw this petition in respect of the first petitioner and he has also made an endorsement to that effect.

4. The learned Government Advocate (Crl. Side) for the respondent Police submitted that the first petitioner is having two previous cases, the second petitioner is having four previous cases and the third petitioner is having no previous case at their credit.



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5. In view of the submission made by the learned counsel for the petitioners, this Criminal Original Petition is dismissed as withdrawn in respect of the first petitioner.

6. Considering the facts and circumstance of this case and also considering that it is a issue between the neighbours, this Court is inclined to grant anticipatory bail to the petitioners No.2 and 3.

7. Accordingly, this Criminal Original Petition is allowed and the petitioners No.2 and 3 are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate No.1, Virudhunagar, on condition that the petitioners No.2 and 3 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 No.2 and 3 shall appear before the respondent Police daily at 10.30 a.m. until further orders. The petitioners No.2 and 3 shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.



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8. The petitioners No.2 and 3 shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

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

Indu

TO

- 1 THE JUDICIAL MAGISTRATE NO.1
VIRUDHUNAGAR
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR
- 3 THE INSPECTOR OF POLICE
VIRUDHUNAGAR WEST POLICE STATION,
VIRUDHUNAGAR
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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+1 CC to M/s.S.RAMASAMY, Advocate (SR-12607[I] dated 22/08/2023)

ORDER
IN
CRL OP(MD) No.15165 of 2023
Date :21/08/2023

SSA/VR/01.09.2023/5P/6C

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