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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/08/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.15287 of 2023

Esakimuthu

... Petitioner/Sole Accused

Vs

The State, represented by
The Inspector of Police,
Vanniyampatti Vilaku Police Station,
Virudhunagar District.
(Crime No.144 of 2023).

... Respondent/Complainant

For Petitioner : Mr.M.Pandian,
Advocate.

For Respondent : Mr.S.Manikandan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.144 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, apprehending arrest at the hands of the respondent

police for the alleged offence punishable under Section 294(b), 323, 324 and 506(ii) of

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



I.P.C, and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.144 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 06.08.2023 at about 6.30 p.m., when the defacto complainant was standing in front of his house, the accused person was driving an auto and hit against the defacto complainant, then abused him using filthy language, attacked and threatened the defacto complainant. Hence, the complaint

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and has not committed any such offence as alleged by the prosecution. Actually, on the date of alleged occurrence, the defacto complainant and his relatives pushed down the petitioner and caused assault upon him brutally, so he sustained injuries.

4. The learned Government Advocate (Crl. Side) for the respondent Police submitted that on the earlier occasion, there was a issue between the petitioner and the defacto complainant and the same was compromised between the parties. Later, because of the above said issue, the present occurrence said to have taken place and injured has been discharged from the hospital. Further, no previous case is pending against the petitioner.

5. Considering the facts and circumstances of this case and also considering that no previous case is pending against the petitioner and injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner.



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6. Accordingly, this Criminal Original Petition is allowed and petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate No.II, Srivilliputhur, 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 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.

7. The petitioner 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/-
22/08/2023

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

INDU



1 THE JUDICIAL MAGISTRATE NO.II
SRIVILLIPUTHUR

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SRIVILLIPUTHUR

3 THE INSPECTOR OF POLICE
VANNIYAMPATTI VILAKKU POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.M.PANDIAN, Advocate (SR-12645[I] dated 23/08/2023)

ORDER
IN
CRL OP(MD) No.15287 of 2023
Date :22/08/2023

SSA/VR/01.09.2023/4P/6C

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