



CRL OP(MD). No.15353 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/08/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

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1. Thangaprakash, (A1)

2. Niranjana, (A2)

... Petitioners/ Accused

Vs

The Sub Inspector of Police,
Somanathapuram Police Station,
Sivaganga District.
Crime No. 56/2023.

... Respondent/Complainant

For Petitioner : M/s KRISHNAVENI.P, 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. 56 of 2023 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 323, 448, 427 and 506(ii) of IPC, in Crime No.56 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to business motive, on 18.08.2023, at about 12.00 p.m., when the defacto complainant was at his E-Sevai Centre, the



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accused went inside the shop and abused him in filthy language and hit him using wooden log and knife and one of the computers and also threatened him with dire consequences. Hence, the complaint.

3. The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case.

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that the second petitioner is having 5 previous cases. The first petitioner is not having any previous case. The accused persons caused damages to the computer worth about Rs.25,000/-.

5. Considering the nature of offence, antecedents of the second petitioner, this court is of the view that the second petitioner is not entitled for any discretionary relief from this Court. Since the first petitioner is not having any previous case, this Court is inclined to grant anticipatory bail to the first petitioner on payment of cost.

6. Accordingly, the first petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of the Crime No.56 of 2023 before the trial Court, without prejudice to his rights and contentions before the trial Court.

7. On such deposit being made, this Criminal Original Petition is allowed in respect of the first petitioner and the first petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate,



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Karaikudi, Sivagangai District, on condition that the first 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 first petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. The first petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8. The first 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.

9. Considering the previous antecedents of the second petitioner, this Court is not entitled to grant anticipatory bail to him. Accordingly, this petition is dismissed in respect of the second petitioner.

sd/-
23/08/2023

/ TRUE COPY /

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

TM
TO
1 THE JUDICIAL MAGISTRATE,
KARAIKUDI, SIVAGANGAI DISTRICT.

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



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2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, SIVAGANGAI DISTRICT.

3 THE SUB INSPECTOR OF POLICE,
SOMANATHAPURAM POLICE STATION,
SIVAGANGA DISTRICT.

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

+1 CC to M/s.P.KRISHNAVENI, Advocate (SR-12643[I] dated 23/08/2023)

ORDER IN
CRL OP(MD) No.15353 of 2023
Date :23/08/2023

SA/JGB/SAR. /07.09.2023/4P/6C

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