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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/09/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). Nos.15356 and 15451 of 2023

Krishnan

... Petitioner / Accused No.1
in Crl.O.P(MD)No.15356 of 2023

1.Alagar @ Vigneshwaran
2.M.Tharmar

... Petitioners / Accused Nos.6&7
in Crl.O.P(MD)No.15451 of 2023

Vs

State represented by
The Inspector of Police,
Thiruppachethi Police Station,
Sivagangai District.
Cr.No.125 of 2023.

... Respondent

For Petitioners : M/s.P.Gopinath
Advocate.

(in both petitions)

For Respondent : Mr.B.Nambiselvan
Additional Public Prosecutor
(in both petitions)



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

PRAYER :-

For Anticipatory Bail in Crime No.125 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 109, 147, 148, 341, 294(b), 307 and 506(ii) of IPC in Crime No.125 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The facts in brief is that, (i) Crime No.104 of 2022 was registered on the basis of the complaint given by Vignesh who is the petitioner in Crl.O.P.(MD)No.15451 of 2023, against five persons on 16.07.2022, stating that some unknown persons set fire to a petty shop owned by one Masanam. On his complaint, Vignesh and others were enquired by the police. But Ayyanar was arrested suspecting that this petitioners are responsible for the said issue the family of Ayyanar were enmical. On 16.07.2022 at about 7.30 p.m., this petitioner was assaulted.

(ii) The case in Crime No.105 of 2023 was registered on the basis of the counter complaint given by one Krishnan against the said Ayyanar, who is the petitioner in Crl.O.P.(MD)No.15356 of 2023, stating that the above said Ayyanar stored 60 bags of

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Tobacco. So he was arrested and suspecting the involvement of this petitioner at about 7 p.m., assault was made upon him. This is the second occurrence in respect of the above said issue.

(iii) Crime No.125 of 2023 was registered for the third occurrence stated to have taken place on 03.08.2023, wherein one Tamilarasan is the complainant. Krishnan is one of the accused, stating that on 03.08.2023 at about 2.15 p.m., his brother namely Ayyanar was assaulted by Krishnan, Uthayamani, Thirusenthilmurugan, Vallarasu, Karppurasundrapandi, Alagar and Dharma, wherein Ayyanar sustained grievous injury over which he was taken to the hospital. Before that one Tamilarasan lodged a complaint against Vignesh, Murugan and etc, stating that on 05.08.2022, at about 8.15 p.m., the accused persons trespassed into the house and caused assault.

3. The learned counsel for the petitioners would submit 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.

4. Learned Additional Public Prosecutor would submit that trouble has arisen between two groups of people. The seventh accused / Dharmar is having four previous cases.

5. Reading of all the FIRs shows that continuous trouble existed between the



parties over the arrest of Ayyanar and setting fire to the petty shop.

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6. Considering the submission of the learned Additional Public Prosecutor, Accused No.7/ Tharmar is not entitled for any relief. Accordingly CrI.O.P.(MD) No.15451 of 2023 is dismissed as far as the second petitioner / Accused No.7 is concerned.

7. Considering the facts and circumstances of the case and considering the fact that it is a case, case in counter and also the fact that the accused persons are not having any previous cases, this Court is inclined to grant relief to the petitioners / A1 and A6.

8. Accordingly, this Criminal Original Petition is allowed and the petitioners / A1 and A6 are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate, Thiruppuvanam, on condition that the petitioners / A1 and A6 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 / A1 and A6 shall appear before the respondent police daily at 10.30 a.m., until further orders. The petitioners shall comply with the condition stipulated under Section 438 of Cr.P.C.,

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9. The petitioners / A1 and A6 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.

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

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To

- 1.The Judicial Magistrate, Thiruppuvanam.
2. Do through the Chief Judicial Magistrate,
Sivagangai District.
- 3.The Inspector of Police,
Thiruppachethi Police Station,
Sivagangai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.P.GOPINATH, Advocate (SR-14062[I] dated 22/09/2023)



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ORDER
IN
CRL OP(MD). Nos.15356 and 15451 of 2023
Date :21/09/2023

SSA/VRS/10.10.2023/6P/6C

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