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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 24/08/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.15393 of 2023

Udhayakumar

... Petitioner/ Accused

Vs

The Inspector of Police,
Kottampatti Police Station,
Madurai District.

Crime No.224 of 2022..

... Respondent/Complainant

For Petitioner : M/s.V.Angusamy,
Advocate.For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.224 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/ Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 420 and 506(i) of IPC, in Crime No.224 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant's version is that when he and the accused were working in abroad, he sent money to the father. Out of the above said earnings, property was purchased by the father. After his demise, he demanded the property from the accused persons, which was refused, on 23.06.2023,



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he was criminally intimidated by the accused persons. He also refused to give 30 sovereigns of gold jewels and Rs.5,00,000/-. Hence, the complaint.

3.The learned counsel for the petitioner would submit that in respect of the very same issue, the defacto complainant filed a suit in O.S.No.257 of 2016 on the file of the District Munsif, Melur, seeking partition of properties. But, he allowed the same to be dismissed for default on 16.09.2021. After that the present complaint has been given on 23.06.2022.

4.Considering the relationship between the parties and the fact that the suit which was filed by the defacto complainant allowed to be dismissed for default and purely it is a civil dispute between the parties, this Court is inclined to grant anticipatory bail to the petitioner with conditions.

5.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, Melur, Madurai District, 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.



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6. 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/-
24/08/2023

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/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,
MELUR, MADURAI DISTRICT.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
KOTTAMPATTI POLICE STATION,
MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.15393 of 2023
Date :24/08/2023

SS/VR/07/09/2023/3P/5C

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