



WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 31.08.2023

PRESENT

The Hon`ble Mr.Justice P.DHANABAL

CRL OP(MD)No.15622 of 2023

Thirumurugan ... Petitioner/ Accused(Rank not known)
Vs

The State represented by
The Inspector of Police,
Sellur Police Station,
Madurai, Madurai District.
(Crime No.Not Known of 2023) ... Respondent/Complainant

For Petitioner : Mr.R.Alagarsamy, 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.Not Known of 2023 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b),323, 506(ii) IPC in Crime No.Not Known of 2023 on the file of the respondent police, seeks anticipatory bail.

2. Today, when the matter is taken up for hearing, the learned counsel



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appearing for the petitioner would submit that the petitioner has not committed any offences and due to the harassment made by the respondent police, he filed the present petition without mentioning crime number and thereafter, during pendency of this petition, the respondent police registered FIR in Cr.No.1073 of 2023 for the offence punishable under Sections 323 and 324 IPC. The petitioner also gave complaint as against the defacto complainant and the same has been registered as Cr.No.1074 of 2023 and hence, he prayed for anticipatory bail.

3.The learned Additional Public Prosecutor appearing for the respondent police would submit that based on the complaint given by the defacto complainant, a case has been registered as against the petitioner herein in Cr.No.1073 of 2023 and based on the complaint given by the petitioner herein a case has been registered as against the defacto complainant in Cr.No.1074 of 2023. There was a civil dispute pending between the parties and hence, they assaulted each other. Therefore, he strongly objected to grant anticipatory bail to the petitioner.

4.Heard both sides and perused the materials available in the records.

5.On perusal of FIR shows that the same was registered for the offence punishable under Sections 323 and 324 IPC. Sections 323 and 324 IPC are bailable in nature. For bailable offences, petition under Section 438 Cr.P.C., would not arise and therefore, the petitioner is directed to appear before the concerned Jurisdictional



Magistrate by filing appropriate application for bail and the learned Magistrate has to consider the application for bail on the same day itself, in accordance with law.

6. With the above observations and directions, this criminal original petition is disposed of.

sd/--
31/08/2023

/ TRUE COPY /

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

GNS
TO

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

+1 CC to M/s.S.RAMASAMY, Advocate (SR-13140[I] dated 04/09/2023)

ORDER
IN
CRL OP(MD) No.15622 of 2023
Date :31/08/2023

SS/VR/07/09/2023/3P/6C

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