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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/09/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.16245 of 2023

K.Balasubramani

... Petitioner/ Accused No.1

Vs

The State, represented by
The Inspector of Police,
Chinnamanur Police Station,
Theni District.(Crime No.322 of 2023).

... Respondent/ Complainant

For Petitioner : Mr.P.Balan,
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.322 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ Accused No.1, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 341, 294(b), 500, 506(ii) of I.P.C, and Section 4 of TNPHW Act, in Crime No.322 of 2023 on the file of the respondent Police, seeks anticipatory bail.

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2. The case of the prosecution is that the petitioner is paternal uncle of the defacto complainant. Already there was dispute between the petitioner and the defacto complainant that the petitioner and the second accused sent letters to the defacto complainant and others regarding conduct of the defacto complainant. Thereafter, it was compromised between them in the presence of elders. Thereafter, on 16.07.2023 at about 8.00 p.m., the defacto complainant was way laid and verbally abused by the petitioner. The second accused used filthy language. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and no such occurrence happened as alleged in the complaint. Further, the affidavit has been filed by the petitioner stating that he will not make any trouble to the defacto complainant.

4. Considering the facts and circumstances of this case and also considering the undertaking affidavit filed by the petitioner stating that he will not make any trouble to the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioner.



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, Uthamapalayam, 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.

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/-
20/09/2023

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



TO

1 THE JUDICIAL MAGISTRATE,
UTHAMAPALAYAM.

2 THE CHIEF JUDICIAL MAGISTRATE
THENI DISTRICT.

3 THE INSPECTOR OF POLICE
CHINNAMANUR POLICE STATION, THENI DISTRICT.

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

+1 CC to M/s.P.BALAN, Advocate (SR-13966[I] dated 21/09/2023)

ORDER

IN

CRL OP(MD) No.16245 of 2023

Date :20/09/2023

INDU

MK/05.10.2023 4P 6C

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