



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/09/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.16441 of 2023

1. M.Sarkunam @ Sargunam,

2. M.Pandeeswaran @ Pandi,

3. V.Muthuvel @ Muthu Kutty,

... Petitioners/ Accused Rank Nos. A1 to A3

Vs

State rep. by
The Inspector of Police,
Sivakasi East Police Station,
Virudhunagar District.
(Crime No.370/2023).

... Respondent/Complainant

For Petitioner : M/s.Rajaboopathy.D,
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.370/2023 on the file of the respondent police .

ORDER : The Court made the following order :-

The petitioners/ Accused No.1 to 3, apprehending arrest at the hands of the

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respondent police for the alleged offence punishable under Sections 294(b), 324 & 506 (ii) of IPC and Section 4 of TNPHW Act in Crime No.370 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that earlier the defacto complainant and the first petitioner's sister were having love affair. Later the first petitioner's sister got married with another boy. Thereafter, on 04.09.2023, a message was sent from the petitioner's sister's husband's phone number. Therefore, the defacto complainant made a phone call to that number. But, questioning the same, the petitioners gathered together abused the defacto complainant and made assault upon the defacto complainant and his family members. 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 no previous case against the petitioners. Investigation is still pending. The injured in this case has been discharged from the hospital.

5. Considering the nature of offence, the limited overt act attributed against the petitioners and the injured person has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the



learned Judicial Magistrate No.II, Sivakasi, Virudhunagar District, on condition that the petitioners 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 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 Cr.P.C. scrupulously.

7. The petitioners 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/-
12/09/2023

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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 No.II, Sivakasi,
Virudhunagar District.
2. Do-Through The Chief Judicial Magistrate,
Virudhunagar District at Srivilliputhur.
3. The Inspector of Police,
Sivakasi East Police Station,
Virudhunagar District.



4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.16441 of 2023
Date :12/09/2023

SSA/JGB/22.09.2023/4P/5C

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