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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.16464 of 2023

Athiyappan @ Thanga Athiyappan

... Petitioner/ Accused No.4

Vs

The State represented by
The Inspector of Police,
Melayapalayam Police Station,
Tirunelveli District.
Crime No.573 of 2023.

... Respondent/Complainant

For Petitioner : Mr.A.Mohamed Hashim, Advocate

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.573 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

<https://www.mhc.tn.gov.in/judis> The petitioner/4th accused herein, who was arrested on 21.08.2023 for the



alleged offence under Sections 147, 148, 294(b), 324, 307 and 506(ii) IPC, in Crime No.573 of 2023 on the file of the respondent Police, seek bail.

2. The case of the prosecution is that the defacto complainant is the wife of the injured. On 20.08.2023 at about 10.00 p.m., while the defacto complainant and her husband going to puberty ceremony of daughter of one Karthigai Kani, the accused persons prevented them to enter into their street and when the same was questioned by husband of the defacto complainant and Sudalai @ Ajay, the accused persons abused them. At that time, the first accused went to his house, took an aruval, attacked the husband of the defacto complainant and other accused attacked him using bricks. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is innocent person. There is no specific overt act attributed against this petitioner. The case in Crime No.572 of 2023 has been registered against the complainant's parties and in order wreak vengeance over the same, the counter FIR has been registered against the petitioner.

4. The learned Additional Public Prosecutor would submit that there is no previous case pending against the petitioner. Further, there is no damage caused to the vehicle in this case, but the counter parties suffered damages. It is a case and counter case and in both the cases, three persons were injured and they admitted in



the hospital and later discharged.

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5. Perusal of record shows that it is a case and counter case. Both the parties involved in causing damage to the vehicle and indulging in assault with each other on the eve of puberty ceremony arranged in that village. It appears that the defacto complainant's parties belongs to other community and they have been invited to the puberty function, but the same was objected by the counter parties, over which, the above said trouble arose between the parties.

6. The learned Additional Public Prosecutor would further submit that because of the above said issue, Police picketing is arranged in that area.

7. Considering the facts and circumstances of this case, it is a case and counter case, injured have been discharged from the hospital, since it is the village issue, further escalation must be averted or avoided and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner with certain conditions.

8. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing a personal 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 *Judicial Magistrate No.V, Tirunelveli*, and on further condition that the *petitioner must stay at Tiruchirappalli and shall report before the*



learned Judicial Magistrate No.I, Tiruchirappalli daily at 10.30 a.m. until further orders. In the mean time, both the parties must resolve the above said issue at the village level.

sd/-
12/09/2023

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12/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU

TO

- 1 THE JUDICIAL MAGISTRATE NO.V
TIRUNELVELI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.
- 3 THE INSPECTOR OF POLICE
MELAYAPALAYAM POLICE STATION,
TIRUNELVELI DISTRICT.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



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COPY TO:

- 1 THE JUDICIAL MAGISTRATE NO.I,
TIRUCHIRAPPALLI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPPALLI.

ORDER

IN

CRL OP(MD) No.16464 of 2023

Date :12/09/2023

SS/12/09/2023/5P/8C

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