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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/09/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.16667 of 2023

1. Nainar,
2. Kandan,

... Petitioners/ Accused Nos.1 & 2

Vs

The State Rep.by
The Inspector of Police,
Moondradaippu Police Station,
Tirunelveli District.
(Crime No.110 of 2023).

... Respondent/ Complainant

For Petitioner : M/s.Saravanan.D,
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.110 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused No.2 & 1, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 427 and



506(ii) of IPC and Section 4 of TNPWH Act, in Crime No.110 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to previous enmity, there was quarrel between both parties. In which, the petitioners attacked and abused 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. It is a case and counter case. The counter case has been registered in Crime No.111 of 2023.

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that it is a case in counter case. In which both parties sustained injuries and admitted in the hospital. The second petitioner is having four previous cases. Out of which, one was referred as mistake of fact. The first petitioner is having no previous case.

5. Considering the nature of offence, though the second petitioner is having previous cases, since both parties suffered injuries and discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners on conditions.



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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, Nanguneri, 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/-
21/09/2023

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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,
NANGUNERI.

<https://www.mhc.tn.gov.in/judis>



2 DO-THROUGH :

THE CHIEF JUDICIAL MAGISTRATE, THIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE

MOONDRADAIPPU POLICE STATION, TIRUNELVELI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,

MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.D.SARAVANAN, Advocate (SR-14028[I] dated 22/09/2023)

ORDER

IN

CRL OP(MD) No.16667 of 2023

Date :21/09/2023

TM

MK/05.10.2023 4P 6C

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