



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/09/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.16749 of 2023

1. Sanjeevgandhi,
2. Bharathiraja,
3. Karumbathal,

... Petitioners/ Accused Nos.1, 2 & 4

Vs

The State Rep.by
The Inspector of Police,
Thirumangalam Taluk Police Station,
Madurai District.
Crime No. 160 of 2023.

... Respondent/ Complainant

For Petitioner : M/s Sundar.R,Advocate.

For Respondent : Mr.S.Manikandan,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.160 of 2023 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/ Accused Nos.1,2 & 4, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 323, 324,

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



506(ii) & 109 of IPC, in Crime No.160 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to property dispute, the petitioners, who are the relatives of the defacto complainant, abused the defacto complainant and his father and assaulted them with wooden logs and hands. 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 it is a property dispute between the parties. The injured in this case have been discharged from the hospital. The first petitioner is having four previous cases and the second petitioner is having one previous case pending against them. The third petitioner is having no previous case against him.

5. Considering the nature of offence, the limited overt act attributed against the petitioners, the injured person has been discharged from the hospital, over land dispute, frequent trouble arisen between the parties and though the second petitioner is having one previous case in Crime No.49 of 2016, later it was referred after investigation, this Court is inclined to grant anticipatory bail to the petitioners 2 and 3 with conditions. However, since the first petitioner is having four previous cases, considering the bad antecedents of the first petitioner, this Court is not



inclined to grant anticipatory bail to the first petitioner.

6. Accordingly, this Criminal Original Petition is allowed in respect of the petitioners 2 and 3 and the petitioners 2 and 3 are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate, Thirumangalam, on condition that the petitioners 2 & 3 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 2 & 3 shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioners 2 & 3 shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7. The petitioners 2 & 3 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.

8. This Criminal Original Petition stands dismissed in respect of the first petitioner.

sd/-
15/09/2023

/ TRUE COPY /

/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, THIRUMANGALAM.

2 DO-THROUGH :

THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE

THIRUMANGALAM TALUK POLICE STATION,
MADURAI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,

MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.16749 of 2023

Date :15/09/2023

TM

PKP/JGB/SAR-/26.09.2023 4P/5C

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