



CRL OP(MD). No.16774 of 2023

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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.16774 of 2023

1.Muthukumar @ Chinna Marimuthu

2.Muthuselvam @ Periya Marimuthu ... Petitioner 1-2/ Accused Rank Not Known

Vs

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

... Respondent/Complainant

For Petitioner	:	Mr.C.Venkatesh, 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.573/2023 on the file of the Respondent police.

ORDER : The Court made the following order :-



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The petitioners/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable 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 anticipatory 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 were 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 petitioners submitted that the petitioners are innocent. The case in Crime No.572 of 2023 has been registered against the complainant's parties by the co-accused.

4.The learned Additional Public Prosecutor would submit that there is no damage 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, this Court is inclined to grant anticipatory bail to the petitioners.

8.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.V, Tirunelveli, 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.



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9. 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.

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15/09/2023

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

Indu

TO

- 1 THE JUDICIAL MAGISTRATE NO.V, TIRUNELVELI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
- 3 THE SUB INSPECTOR OF POLICE, MELAPALAYAM POLICE STATION,
TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL OP(MD) No.16774 of 2023
Date :15/09/2023

RS/JGB/SAR-(27.09.2023) 4P 5C
Madurai Bench of Madras High Court is issuing
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