



CRL OP(MD). No.17004 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/09/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

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1.Pothiraja

2.Petchiammal @ Pitchaiammal ... Petitioners / Accused Nos.2&3

Vs

The State rep.by,
The Inspector of Police,
Checkanurani Police Station,
Checkanurani,
Madurai District.
Cr.No.311 of 2023.

... Respondent/Complainant

For Petitioner : M/s.M.Palani
Advocate.

For Respondent : Mr.R.Suresh Kumar
Government Advocate (Crl.side)

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

PRAYER :-

For Bail in Crime No.311 of 2023 on the file of the Respondent police.

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



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ORDER : The Court made the following order :-

The petitioners/ Accused apprehends arrest at the hands of the respondent police for the offences under Sections 341, 294(b), 323, 324, 506(i), 379 of IPC and Section 4 of Tamilnadu Prohibition of Harassment of Women Act, 2002, in Crime No.311 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 20.08.2023, the petitioners and other accused persons restrained her on the way to her house, quarrelled with her by using filthy language, assaulted the defacto complainant and criminally intimidated her with dire consequences. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent, he has been falsely implicated in this case and he has not committed any offence as alleged by the prosecution.

4. Learned Government Advocate (Crl.side) would submit that trouble arose between the neighbours due to disposal of garbage, over which earlier a complaint was given by the defacto complainant and the petitioner was warned. Later, the



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trouble continued which resulted in assault on each other. A counter case was also registered. In this case, the defacto complainant stated that her ½ sovereign gold stud went missing in the incident. In the counter statement, it has been stated that 5 sovereigns of gold jewel has been stolen by the defacto complainant. The first accused was arrested and remanded to custody but no statement has been recorded with regard to the missing of ear stud. The second petitioner is having previous cases.

5. Eventhough, learned Government Advocate (Crl.side) would state that the second petitioner is having previous cases, considering the facts and circumstances of this case, this Court is inclined to grant relief 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, Usilampatty, 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



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Section 438 of Cr.P.C., scrupulously.

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7. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy is made ready, failing which, the petition for anticipatory bail will stand dismissed.

sd/-
21/09/2023

/ TRUE COPY /

/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

pnn

To

- 1.THE JUDICIAL MAGISTRATE NO.II, USILAMPATTY.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
- 3.THE INSPECTOR OF POLICE,
CHECKANURANI POLICE STATION,
CHECKANURANI,
MADURAI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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WEB COPY +1 CC to M/s.M.PALANI, Advocate (SR-13972[I] dated 21/09/2023)

ORDER
IN
CRL OP(MD) No.17004 of 2023
Date :21/09/2023

RK/DD (10/10/2023) 5P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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