



CRL OP(MD). No.17196 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 25/09/2023

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

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1.Prabhu @ Prabhu Kumar

2.Karthikeyan

3.Sathuragiri

4.W.R.Murugesan

... Petitioners/ Accused Nos.1 to 4

Vs

The State, represented by
The Sub-Inspector of Police,
Watrap Police Station,
Virudhunagar District.
Crime No.190 of 2023.

... Respondent/Complainant

For Petitioner : Mr.M.Jothi Basu,
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.190/2023 on the file of the Respondent police.



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ORDER : The Court made the following order :-

The petitioners/Accused No.1 to 4, apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 448, 294(b), 427, 323, 506(ii) I.P.C. r/w. Section 4 of Tamil Nadu Prohibition of Harassment Women Act, 2002, in Crime No.190 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant filed a suit for partition in O.S.No.173 of 2023 before the Principal District Court, Virudhunagar at Srivilliputhur, as against the eight defendants. Further, the defacto complainant has given complaints against her mother and one Kundumani Muthaiah. Based on which, two First Information Reports have been filed in Crime Nos.91 and 92 of 2023. They are also pending. In this circumstances, on 31.08.2023 at about 9.30 a.m., the accused tried to enter into the property, damaged the CCTV camera worth about Rs.2,000/- and scolded the defacto complainant by using abusive words and threatened her to face dire consequences. 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. Originally, on 05.08.2022



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the defacto complainant's mother has executed a sale deed in favour of the third petitioner/third accused and the same was registered before the Sub Registrar, Watrap vide document No.1501/2022. After the sale, the third petitioner became the owner of the property. But on 05.07.2023 the defacto complainant has filed a suit in O.S.No.173 of 2023 for partition and declaration, which is also pending before the Principal District Court, Virudhunagar at Srivilliputhur.

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that it is a case and counter case. The counter case complaints have been registered in crime Nos.191 and 192 of 2023. There is no injured in this case. Further, the first and fourth accused have no previous case. The second and third accused have two previous cases each at their credit.

5. Considering the nature of offence, it is a case and counter case, there is no injured in this case, this Court is inclined to grant anticipatory bail 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 Additional Mahila Court, Srivilliputhur, Virudhunagar, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand



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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/-
25/09/2023

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

INDU

TO

- 1 THE ADDITIONAL MAHILA JUDGE,
SRIVILLIPUTHUR, VIRUDHUNAGAR.
- 2 THE SUB INSPECTOR OF POLICE
WATRAP POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



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+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-14168[I] dated 26/09/2023)

ORDER

IN

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Date :25/09/2023

SS/MGA/06/10/2023/5P/5C

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