



CRL OP(MD). No.16577 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/09/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

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B.Rajendran

... Petitioner/Sole Accused

Vs

State, represented by
The Inspector of Police,
Thottiyam Police Station,
Trichy District.
(Crime No.1211 of 2020).

... Respondent/Complainant

For Petitioner : Mr.B.Rajendran, Party-in-Person.

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.1211 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 323 and 506(i) of I.P.C, in Crime No.1211 of 2020 on the file of the respondent Police, seeks



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anticipatory bail.

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2. The case of the prosecution is that there is civil dispute exist between the defacto complainant and the petitioner. The petitioner made frequent trouble to the defacto complainant not to construct a house with window in the petitioner's side wall. On 15.10.2020, the petitioner abused the defacto complainant using filthy language and attempted to assault his son and also he bitten the defacto complainant's son. Hence, the complaint.

3. The party-in-person appearing for the petitioner would submit that defacto complainant is neighbor of the petitioner's native home. The defacto complainant constructing a house exactly with in his boundary line and he put the window in the wall of the petitioner's home side and the same was objected by the petitioner. The defacto complainant agreed that he would not put windows and constructing his house without windows in the wall of petitioner's home side up to completion of house as per the house plan approval. After completion of house, he put the windows in the wall of the petitioner's home side. When the same was questioned by the petitioner, the defacto complainant and his family members attacked the petitioner and abused him in filthy language.

4. The learned Government Advocate (Crl. Side) for the respondent Police submitted that it is a case and counter case. On the basis of the complaint given by



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the petitioner, C.S.R.No.407 of 2023 has been registered against the counter party, First Information Report has been registered in Crime No.1210 of 2020, for which, Final Report has been filed before the learned Judicial Magistrate, Thottiyam, but it was not taken cognizance. So far as this case is concerned, on the basis of the complaint given by the defacto complainant, the First Information Report has been registered in Crime No.1211 of 2020, for which, Final Report has been filed before the learned Judicial Magistrate, Thottiyam, showing this petitioner as an absconding accused, but it was not taken cognizance.

5.Considering the above said development and also considering that it is a case and counter case, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this Criminal Original Petition is allowed and petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate, Thottiyam, Musiri, Trichy, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and the petitioner shall appear before the learned Judicial Magistrate, Thottiyam, Musiri, Trichy, on receipt of summons. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7.The petitioner shall appear before the concerned Magistrate within a period of



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15 days from the date on which the order copy made ready, failing which, the
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petition for anticipatory bail stands dismissed.

sd/-
14/09/2023

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/09/2023

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

INDU

TO

- 1 THE JUDICIAL MAGISTRATE, THOTTIYAM, MUSIRI, TRICHY DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE, THOTTIYAM POLICE STATION,
TRICHY DISTRICT - 621215.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+4 CC to M/s.DR.B.RAJENDRAN, Party-In-Person(SR-13799[I] dated 19/09/2023)

ORDER IN
CRL OP(MD) No.16577 of 2023
Date :14/09/2023

RS/GB/SAR-(29.09.2023) 4P 9C
Madurai Bench of Madras High Court is issuing
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