



Crl.OP(MD)No.22942 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 21/12/2023

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl.OP(MD)No.22942 of 2023

1.Senthil @ Senthilkumar

2.Earnakalai @ Rajasekar

... Petitioners/ Accused Rank Nos.2 & 3

Vs.

The Inspector of Police,
Chinnamanur Police Station,
Theni District.

(Crime No.342 of 2023)

... Respondent/Complainant

For Petitioners : Mr.R.Anand, Advocate
for Mr.D.RajaBoopathy, Advocate
For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor

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

PRAYER:-

For Anticipatory Bail in Crime No.342 of 2023 on the file of the Respondent Police.

ORDER: The Court made the following order:-

The petitioners, who are arrayed as A2 and A3 apprehend arrest at the hands of the respondent police for the offences punishable under sections 341, 147, 148, 294(b), 323, 324, 307 and 109 IPC @ 341, 147, 148, 149, 294(b), 323, 324, 307 and 109 IPC, in



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Crime No.342 of 2023 on the file of the respondent police, seek anticipatory bail.

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2.The case of the prosecution is that on 03/08/2023 when the son of the de-facto complainant was coming nearby Athakadai, he was waylaid by 8 unknown persons and they attacked the son of the de-facto complainant with deadly weapons and caused injured to him.

3.Seeking anticipatory bail, this petition has been filed by the petitioners, who are arrayed as A2 and A3.

4.Heard both sides.

5.The earlier applications came to be dismissed by this court considering the serious injury suffered by the son of the de-facto complainant and other injured persons. Now this petition has been filed on the ground that it is a case and counter.

6.Reading of the FIR in this matter namely Crime No.342 of 2023 shows that on 03/08/2023 at about 11.45 pm in the night, the de-facto complainant's son namely Swaminathan was intercepted by the accused persons over the celebration of temple festival, picked up quarrel, assaulted him with deadly weapons. He suffered grievous injuries. Over which the present case in Crime No.342 of 2023 was registered. On the basis of the counter complaint given by Sivasundari, a case in Crime No.343 of 2023 was registered.

7.Reading of the counter complaint does not indicate the infliction of injury to



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any one. It has been stated that house was damaged and articles were stolen.

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8. But perusal of the CD file in Crime No.342 of 2023, which is the present subject does indicate that injury was inflicted upon the de-facto complainant's son on the neck and on the upper left hand region. So even though it is case and counter, considering the grievous injuries suffered by the de-facto complainant's son, this court is was not inclined to grant anticipatory bail. Even now there is no change of circumstances.

9. As serious injury is inflicted upon the victim by the accused persons, the petitioners are not entitled for the discretionary relief of anticipatory bail. They have to to surrender before the concerned court and seek regular bail in the manner known to law.

10. In the result, this criminal original petition is dismissed.

sd/-
21/12/2023

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/01/2024
Sub-Assistant Registrar (C.S.I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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To தலைவர் அவர்கள்

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1 THE INSPECTOR OF POLICE, CHINNAMANNUR POLICE STATION,
THENI DISTRICT.

2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN

CRL OP(MD) No.22942 of 2023

Date :21/12/2023

RS/DD/SAR-(03.01.2024) 4P 3C

Madurai Bench of Madras High Court is issuing
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