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CRL OP(MD). N



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

Date : 21/07/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.13004 of 2022

1. Martin Jude,

2. Kannan,

3. Gopal,

... Petitioners/Accused No.1,3&4

Vs

State Rep.by
The Inspector of Police,
Peumalpuram Police Station,
Tirunelveli District.
(Crime No. 200 of 2022).

... Respondent/Complainant

Shanmugam

...Petitioner/Defacto Complainant
in CRL MP(MD)No.8451 of 2022

For Petitioner : Mr.V.Kathirvelu, Senior Counsel
K.Prabhu, Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

For Intervener : Mr.J,Jeyakumaran,Advocate.
in CRL MP(MD)No.8451 of 2022

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

PRAYER :-

For Anticipatory Bail in Crime No. 200 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused No.1,3 & 4, apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 324 and 506(ii) of I.P.C., in Crime No.200 of 2022 on the file of the respondent police, seek anticipatory bail.

<https://www.mca.in/judis>



2. The case of the prosecution is that the defacto complainant lodged a complaint stating that on 22.06.2022, at about 05.30 p.m, the accused person said to have trespassed into the vacant land of the defacto complainant and tried to close the excavated holes by using JCB, which were made for the purpose of fencing the land. When that was questioned by the defacto complainant they attacked him with cricket bat and iron rod. Criminal intimidation was also made. Based upon the complaint given by the defacto complainant, present case has been registered against the petitioners.

3. The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case. He further submitted that the second accused was arrested and later, released on bail, the injured was discharged from the hospital and no bad antecedents is reported against the petitioners. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) submitted that the second was arrested and later released on bail. The injured was discharged from the hospital and no bad antecedent is reported against the petitioners.

5. Considering the facts and circumstances of the case and also considering the fact that co-accused was released on bail, the injured were discharged from the hospital and no bad antecedents is reported against the petitioners, 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 learned Judicial Magistrate No.I, 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.

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/-
21/07/2022

/ TRUE COPY /

/07/2022

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



dss

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

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

+1 CC to M/s.J.JEYAKUMARAN, Advocate (SR-7539[I] dated 22/07/2022)

+1 CC to M/s.K.PRABHU, Advocate (SR-7554[I] dated 22/07/2022)

ORDER
IN
CRL OP(MD) No.13004 of 2022
Date :21/07/2022

PKP/SVR/SAR-1/27.07.2022/3P/7C