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CRL OP(MD)



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28.04.2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD)No.8241 of 2023

1.Sheema

2.Pravin @ Pravin Kumar

... Petitioners/Accused No.1 & 2

Vs

The State of Tamil Nadu
Rep.by The Inspector of Police,
Marthandam Police Station,
Kanyakumari District.
(Crime No.31 of 2023)

... Respondent/Complainant

For Petitioners : Mr.D.Srinivasaragavan
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.31 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 & A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 323, 379(NP), 506(i) IPC r/w Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2022 in Crime No.31 of 2023, seek anticipatory bail.

2.The case of the prosecution is that there was land dispute between the petitioners and the defacto complainant, for which, a

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Additional District Munsif, Kuzhithurai. Due to the s¹ the petitioners were destroyed the rubber trees standing on the defacto complainant's field. When the defacto complainant asked about the same, the petitioners abused her in filthy language and also attacked her. Hence the case.

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3. Heard both sides and perused the materials available in the record.

4. It is seen that there are three previous cases pending against the petitioners and all the three cases were registered based on the complaint given by the defacto complainant herein, for the very same land dispute and a suit is also pending. Hence, this court is inclined to grant anticipatory bail to the petitioners with certain conditions:

5. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the Judicial Magistrate Court No.I, Kuzhithurai 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[b] the second petitioner shall report before the respondent Police, daily at 10.30 A.M., for a period of two weeks and thereafter, as and when required for interrogation and the first petitioner shall report before the respondent police as and when required.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].



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[f] If the accused thereafter absconds, a fresh FII registered under Section 229A IPC.

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

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TO

- 1.The Judicial Magistrate Court No.I,
Kuzhithurai.
- 2.Do through the Chief Judicial Magistrate,
Kanyakumari District at Nagercoil.
- 3.The Inspector of Police,
Marthandam Police Station,
Kanyakumari District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+2 CC to M/s.SRINIVASARAGAVAN.D, Advocate (SR-6917[I] dated
28/04/2023)

ORDER
IN
CRL OP (MD) No.8241 of 2023
DATE :28.04.2023

NA/MMS/SAR-4/17.05.2023/3P/7C