



CRL OP(MD). No.12377 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/07/2023

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

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1. Alexandar

2.Rani

... Petitioners/ Accused Nos.1 and 2

Vs

The State, represented by
The Inspector of Police,
Thevaram Police Station,
Theni District.
Crime No.144 of 2023.

... Respondent/Complainant

For Petitioner : Mr.Badurus Zaman.K.R, Advocate.

For Respondent : Mr.S.Manikandan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.144/2023 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/ Accused No.1 and 2, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 427, 294(b), 323, 506(i) I.P.C., in Crime No.144 of 2023 on the file of the respondent Police, seek anticipatory bail.

2. The case of the prosecution is that the first petitioner is doing repairing work



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for his house and he is using the empty land belongs to the defacto complainant for keeping the raw materials for repairing the house. After completing the work, he is denying to vacate the above said land. On 02.07.2023, when the grand son of defacto complainant was sitting in the house, the accused persons through the bricks, caused injury, used filthy language and threatened with dire consequences. Hence, the complaint.

On the basis of the order passed by this Court in W.P(MD) No.2900 of 2023, the Survey was proposed to be undertaken, at that time, this petitioner and the defacto complainant's parties entered in causing assault with each other, abusing and causing damage to the fencing, upon which, two cases have registered.

3. The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case. There is only wordy quarrel happened regarding cutting the tree and nothing happened as alleged by the prosecution. It is the case and counter case.

4. The learned Government Advocate (Crl. Side) for the respondent Police submitted that it is a case and counter case. In both the cases, no one is injured.

5. Considering the nature of offence, it is the issue between neighbours, it is a case and counter case, there is no injured person in both the cases, this Court is inclined to grant anticipatory bail to the petitioners.



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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, Bodinayakanur, 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. Since it is the issue between the neighbours, the petitioners shall appear before the respondent Police on receipt of summons and as and when requires for interrogation. Even though the cost of damage is not mentioned in the First Information Report, Rs.10,000/- shall be deposited by the petitioners jointly in the credit of this Crime No.144 of 2023 before the trial Court. The petitioners 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 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
07/07/2023

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/07/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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1.The Judicial Magistrate, Bodinayakanur.

2.Do through the Chief Judicial Magistrate,
Theni District.

3.The Inspector of Police,
Thevaram Police Station,
Theni District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.K.R.BADURUS ZAMAN, Advocate (SR-10412[I] dated 07/07/2023)

ORDER

IN

CRL OP(MD) No.12377 of 2023

Date :07/07/2023

ED/BUC/SAR- (21/07/2023) 4P / 6C

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