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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/07/2023

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.12875 of 2023

1.S.Harish Kumar @ Hareesh Kumar

2.S.Anil Kumar

3.B.Krishna Prasath

... Petitioners/ Accused Nos.1 to 3

Vs

The State, represented by
The Inspector of Police,
Thuckalay Police Station,
Kanyakumari District.
Crime No.263 of 2023.

... Respondent/Complainant

For Petitioner : Mr.Sundarapandian.S.S,
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.263/2023 on the file of the Respondent police.



ORDER: The Court made the following order :-

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The petitioners/Accused No.1 to 3, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 324, 506 (ii) I.P.C. And Section 4 of TN Prohibition of Harassment of Women Act, in Crime No.263 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the leader of Nair community of her district. On 28.06.2023, the defacto complainant and her community members organised a land ceremony on their Nair Community land, at that time, the petitioners had come over to the spot, make wordy quareel with the defacto complainant, used filthy language, attacked her with stones and also caused injury to the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case and it is a case and counter case.

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that it is a case and counter case and the counter case registered in Crime No.263 of 2023 for the offences punishable under Section 294(b), 324, 506(2) of IPC and 4 of TNPWH Act. In both the cases, injured have been discharged from the hospital.



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5. Considering the nature of offence, it is a case and counter case, the injured persons in both the cases have been discharged from the hospital, 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, Padmanaphaburam, 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 on receipt of summons and as and when required for interrogation. 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/-
14/07/2023

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

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TO
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- 1 THE JUDICIAL MAGISTRATE NO.I
PADMANAPHABURAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE INSPECTOR OF POLICE
THUCKALAY POLICE STATION,
KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.S.S.SUNDARAPANDIAN, Advocate (SR-10767[I] dated 14/07/2023)

ORDER
IN
CRL OP(MD) No.12875 of 2023
Date :14/07/2023

SS/DD/25/07/2023/4P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023