



CRL OP(MD). No.13607 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/08/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

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1.Muthukumar

2.Chandra Kumar @ Chandhirakumar

3.Valliammai @ Valliyammal

... Petitioners/ Accused Nos.1 to 3

Vs

State represented by

The Inspector of Police,

Rajakkamangalam Police Station,

Kanyakumari District.

Crime No.129 of 2023.

... Respondent / Complainant

For Petitioners : M/s.B.Micheal Sebastin, Advocate

For Respondent : Mr.R.Sureshkumar

Government Advocate (Crl.side)

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

PRAYER :-

For Anticipatory Bail in Crime No.129 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/ Accused Nos. 1 to 3, apprehending arrest at the hands of the

respondent police for the alleged offence punishable under Sections 447, 294(b), 323,



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324 and 506(ii) of IPC in Crime No.129 of 2023, on the file of the respondent police, seeks anticipatory bail.

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2. The case of the prosecution is that on 14.07.2023, when the defacto complainant was working in his welding company, due to previous enmity, the accused persons came to the company and assaulted the defacto complainant with iron rod and hands and abused in filthy language. The defacto complainant sustained injury in this incident. Hence the present case came to be registered.

3. The learned counsel for the petitioners submitted that the petitioners are innocent, they have not committed any offence as alleged by the prosecution. They have been falsely implicated in this case. They seek for the relief of anticipatory bail.

4. The learned Additional Public Prosecutor would submit that the first accused is involved in one previous case in Crime No.253 of 2015, wherein trial is pending before the trial Court and the second petitioner is involved in Crime No.442 of 2014, wherein he was convicted. Hence both the accused Nos.1 and 2 are not entitled for relief. The third petitioner herein is concerned, she is not having any previous cases.

5. Considering the facts and circumstances of this case and also the fact that the petitioners 1 and 2 herein / Accused Nos.1 and 2, are not entitled for any relief before this Court. Hence, this petition is dismissed so far as the petitioners 1 and 2 herein.



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6. Considering the submissions of the learned Additional Public Prosecutor, this Court is inclined to grant relief to the third petitioner.

7. Accordingly, this Criminal Original Petition is allowed and the petitioner No.3 is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate No.1, Nagercoil, Kanyakumari District, on condition that the petitioner No.3 shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the petitioner No.3 shall appear before the respondent police as and when required for interrogation. The petitioner No.3 shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8. The petitioner No.3 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/-
01/08/2023

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/08/2023

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

pnn

<https://www.mhc.tn.gov.in/judis>



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To

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1 THE JUDICIAL MAGISTRATE NO.I, NAGERCOIL.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

3 THE INSPECTOR OF POLICE, RAJAKKAMANGALAM POLICE STATION,
KANNIYAKUMARI DISTRICT.

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

+1 CC to M/s.B.MICHAEL SEBASTIN, Advocate (SR-11781[I] dated 03/08/2023)

ORDER

IN

CRL OP(MD) No.13607 of 2023

Date :01/08/2023

RS/VRS/SAR-1(14.08.2023) 4P 6C

Madurai Bench of Madras High Court is issuing
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