



CRL OP(MD). No.14147 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/08/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.14147 of 2023

M.Vinokilitus

... Petitioner / Sole Accused

Vs

The State represented by
The Inspector of Police,
Karungal Police Station,
Karungal,
Kanyakumari District.
Crime No.225 of 2023.

... Respondent / Complainant

For Petitioner : M/s.N.Pragalathan, 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.225 of 2023 on the file of the Respondent Police.



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ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 323 and 506(ii) of IPC and Section 4 of the Tamilnadu Prohibition of Harassment of Women Act, in Crime No.225 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that over a pathway dispute, trouble has arisen between the parties. On 24.07.2023, over which, the complaint was given by the defacto complainant which was also enquired by the respondent police and in that enquiry both side agreed to remove the encroachment by cutting away banana trees. The matter was compromised. Later on 24.07.2023, at about 4.30 p.m., again some trouble has arisen. When the defacto complainant tried to cut the banana tree, this petitioner said to have caused trouble to him and criminally intimidated him and attacked the defacto complainant. Hence the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent, he has not committed any offence as alleged by the prosecution. He has been falsely implicated in this case. He seeks for the relief of anticipatory bail.



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4. The learned Additional Public Prosecutor would submit that over a pathway dispute, the trouble has arisen between the parties. The injured in this case has been discharged from the hospital.

5. Considering the facts and circumstances of this case and also the fact that the injured has been discharged from the hospital, this Court is inclined to grant relief to the petitioner.

6. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate, Eraniel, Kanniyakumari District, on condition that the petitioner 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 shall appear before the respondent police daily at 10.30 a.m., until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. Scrupulously.



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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/-
03/08/2023

/ TRUE COPY /

/08/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

pnn

TO

1.THE JUDICIAL MAGISTRATE,
ERANIEL,
KANNIYAKUMARI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANNIYAKUMARI @ NAGERCOIL.

3.THE INSPECTOR OF POLICE,
KARUNGAL POLICE STATION,
KARUNGAL,
KANYAKUMARI DISTRICT.



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

+1 CC to M/s.N.PRAGALATHAN, Advocate (SR-11875[I] dated 07/08/2023)

ORDER
IN
CRL OP(MD) No.14147 of 2023
Date :03/08/2023

RK/BUC (18/08/2023) 5P / 6C

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