



CRL OP(MD). No.16847 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/09/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.16847 of 2023

1. Kubi Balan,

2. Chandrika,

... Petitioners/ Accused 1 & 2

Vs

The Inspector of Police,
Puthukadai Police Station,
Kanyakumari District.
Crime No.183 of 2023.

... Respondent/ Complainant

For Petitioners: M/s.MARK J.JACKSON,
Advocate.

For Respondent : Mr.R.SURESH KUMAR,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.183 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/ Accused No.1 & 2, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 294(b), 427 & 506(i) I.P.C. in Crime No.183 of 2023, on the file of the respondent police, seek anticipatory bail.



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2. The case of the prosecution is that on 05.08.2023, the accused persons came to the back side of the defacto complainant's house, trying to tress-pass into the house, attempted to open the kitchen door and threatened the defacto complainant. Hence, the case.

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

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that there is a pathway dispute between the parties. The injured in this case has been discharged from the hospital. It is a case in counter case. The first petitioner is having four previous cases and the second petitioner is having no previous case.

5. Though the first petitioner is having four previous cases, reading of the FIR shows that because of the land dispute between two groups of people, continues trouble exists between them. Because of that cases registered against each party. In view of the above, 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, Kuzhithurai, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two



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sureties each for a like sum to the satisfaction of the learned Magistrate concerned and the petitioners shall appear before the respondent police daily at 10.30 a.m. until further orders. 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/-
19/09/2023

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/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TM
TO
1 THE JUDICIAL MAGISTRATE,
KUZHITHURAI.

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

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

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

+1 CC to M/s.MARK.J.JACKSON, Advocate (SR-13882[I] dated 20/09/2023)
<https://www.mhc.tn.gov.in/judis>



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ORDER
IN
CRL OP(MD) No.16847 of 2023
Date :19/09/2023

SA/GB/SAR. /04.10.2023/4P/6C

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