



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/09/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.17083 of 2023

Kavudeen

... Petitioner / Sole Accused

Vs

State represented by
The Inspector of Police,
Annavasal Police Station,
Pudukkottai District,
Crime No.231/2023.

... Respondent/Complainant

For Petitioner : M/s.A.Banumathy,
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.231/2023 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/ Accused apprehends arrest at the hands of the respondent police for the offences under Sections 294(b), 353, 506(ii) of IPC, in Crime No.231 of 2023, on the file of the respondent police, seeks anticipatory bail.

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



2. The case of the prosecution is that on 13.09.2023, as per the direction of this Court, when the defacto complainant, was entered into a land for the purpose of survey and fixation of boundaries, the petitioner obstructed the defacto complainant from doing survey and threatened him with dire consequences. Hence a complaint was made and the case was registered.

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

4. Learned Additional Public Prosecutor would submit that in pursuance of the order only, the survey was about to be undergone. At that time, the petitioner and others unlawfully gathered and prevented the government officer to make measurements.

5. Learned counsel for the petitioner would submit that due to non compliance of the statutory provisions, the petitioner and other persons have made objections. But the petitioner alone was targeted in this case. No damage has been caused by the petitioner.



6. Considering the facts and circumstances of this case and also the fact that trouble has arisen between the surveyor and the local villagers over surveying a land, this Court is inclined to grant relief to the petitioners.

7. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate, Ilupur, on condition that the petitioner 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 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 of Cr.P.C., scrupulously.

8. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy is made ready, failing which, the petition for anticipatory bail will stand dismissed.

sd/-
27/09/2023

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE,
ILUPUR.

2 THE CHIEF JUDICIAL MAGISTRATE
PUDUKKOTTAI DISTRICT.

3 THE INSPECTOR OF POLICE
ANNAVASAL POLICE STATION, PUDUKKOTTAI DISTRICT.

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

+1 CC to M/s.A.BANUMATHY, Advocate (SR-13998[I] dated 22/09/2023)

ORDER

IN

CRL OP(MD) No.17083 of 2023

Date :27/09/2023

pnn

MK/06.10.2023 4P 6C

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