



CRL OP(MD).Nos.9473 & 9474 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28.06.2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD).Nos.9473 & 9474 of 2024

1.Senthil Arasu

... Petitioner/ Accused 2
(In CrI.O.P.(MD)No.9473 of 2024)

2. Ayyangan

... Petitioner/ Accused 3
(In CrI.O.P.(MD)No.9474 of 2024)

Versus

State Rep. by
The Sub Inspector of Police,
South Thamaraikulam Police Station,
South Thamaraikulam,
Kanniyakumari District.
(Cr.No.46 of 2024)

... Respondent/Complainant(In both cases)

(In both sides)

For Petitioners : Mr.S.Krishnan, Advocate

For Respondent : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor



CRL.OP(MD),Nos.9473 & 9474 of 2024

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PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- For Bail in Crime No.46 of 2024 on the file of the Respondent Police.
COMMON ORDER : The Court made the following order :-

The respondent police registered a case as against these petitioners in Crime No.46 of 2024 for the offence under Sections 147, 148, 294(b), 324, 307 and 506(ii) IPC and remanded them into judicial custody on 04.04.2024. Therefore, the petitioners have filed this petition seeking bail.

2. The case of the prosecution is that petitioner/A-2 is the son of A-1. A-1 had encroached and constructed a building in the property of the defacto complainant. Therefore the defacto complainant had filed a suit in O.S.No.69 of 2024 on the file of the I Additional District Munsif Court, Nagercoil and the same ended in his favour. Since the petitioner's father has not vacated the premises, the defacto complainant has initiated EP proceedings as against the petitioners. Due to which, the petitioners have assaulted the defacto complainant, abused him and threatened him with dire consequences.

3. The learned counsel for the petitioners submits that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. However, they are languishing in jail from 04.04.2024. Therefore, he prays for grant of bail.



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4. The learned Additional Public Prosecutor appearing for the respondent opposed for grant of bail on the ground that the petitioners sustained grievous injury.

5. Considering the facts and circumstances of the case and also considering the condition of the victim, this Court is not inclined to grant bail to the petitioners. Accordingly, these Criminal Original Petition are dismissed.

sd/-

28/06/2024

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/07/2024

Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

JBR

TO

1 THE SUB INSPECTOR OF POLICE,
SOUTH THAMARAikulam POLICE STATION,
SOUTH THAMARAikulam,
KANNIYAKUMARI DISTRICT.

2 THE OFFICER INCHARGE,
DISTRICT PRISON, NAGERCOIL.

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

ORDER IN
CRL OP(MD).Nos.9473 & 9474 of 2024
Date :28/06/2024

SA/GS/SAR. /18.07.2024/3P/4C

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