



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Twelfth day of February Two Thousand Fifteen

PRESENT

THE HON`BLE MR JUSTICE P.N.PRAKASH

CRL OP(MD) No.10501 of 2014

1 S.JEGADEESA MARACHAN
2 GANDHIMATHI
3 SIBI

... PETITIONERS/ACCUSED NO.1 TO 3

Vs

THE INSPECTOR OF POLICE
ANTI LAND GRABBING CELL, NAGERCOIL,
KANYAKUMARI DISTRICT.
CR.NO.19 OF 2014

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.F.X.EUGENE Advocate

For Respondent : MR.C.RAMESH, Govt. Advocate (Crl. Side)

For Intervenor : MR.V.SASIKUMAR, Advocate

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

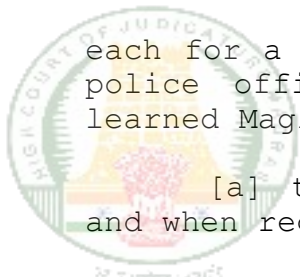
ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 420, 467, 468, 471, 297 and 506(i) IPC in Crime No.19 of 2014 on the file of the respondent police, seek anticipatory bail.

2. Heard the learned counsel for the petitioners, the learned counsel for the Intervenor and the learned Additional Public Prosecutor appearing for the State.

3. Initially, this matter was referred to the Mediation Centre and a failure report dated 14.08.2014 has been received from the Mediation Centre. It is the case of the prosecution that Jegadeesa Marachan / 1st petitioner, who is A1's father and the defacto complainant's grand father are brothers. The land in dispute in S.No.229/1 for 25 ½ cents belongs to the defacto complainant. While so, the 1st petitioner settled the defacto complainant's property in favour of his wife Gandhimathi / A2 by a deed of settlement dated 23.01.2013.

4. The dispute essentially appears to be between the legal heirs of the same stock and the settlement deed has subsequently been cancelled on 11.09.2013. Under such circumstances, this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of the order, before the learned Judicial Magistrate No.1, Nagercoil, on condition that each of 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioners shall report before the respondent police as and when required for interrogation.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

sd/-
12/02/2015

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.I,
NAGERCOIL.
2. -DO- THRO THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI AT NAGERCOIL.
3. THE INSPECTOR OF POLICE
ANTI LAND GRABBING CELL, NAGERCOIL,
KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.F.X.EUGENE Advocate SR.No. 6879

SR : 16.02.2015 : 2P/6C

ORDER
IN
CRL OP(MD) No.10501 of 2014
Date :12/02/2015