



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Monday, the Fifteenth day of June Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.6900 of 2015

1 M.JOSEPH THARSIS

2 T.DENSINGH

..PETITIONERS/ACCUSED

(RANK NOT KNOWN)

Vs.

STATE REP.BY

1 THE INSPECTOR OF POLICE

DISTRICT CRIME BRANCH, NAGERCOIL,
KANYAKUMARI DIST.

2 THE DEPUTY SUPERINTENDENT OF POLICE,

DISTRICT CRIME BRANCH,
KANYAKUMARI DIST AT NAGERCOIL,
CR.NO. 46 OF 2015.

..RESPONDENT/COMPLAINANT

For Petitioner : M/S.N.DILIP KUMAR Advocate

For Respondent : Mr.K.V.RAJARAJAN, Government Advocate(Crl.Side)

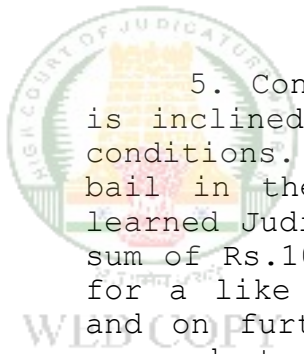
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused Nos.1 and 2 apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 420, 465, 468 and 471 of I.P.C., and in Crime No.46 of 2015 on the file of the first respondent police and hence, seek anticipatory bail.

2. According to the de-facto complainant, the property in dispute was originally owned by her grand-father Maria Viyagappan Nadar and the property was grabbed by the accused by fabricating documents. It is further alleged that when her mother Thresammal was alive, the accused did not come forward to partition the property.

3. The learned counsel for the petitioners submitted that the first petitioner's father died in the year 1955 leaving behind the first petitioner, mother of the de-facto complainant and Sathyanesan as his legal heirs and after his demise, the said Sathyanesan by a deed of release dated 13.03.1992, transferred his right in favour of the first petitioner, since then he has been in possession and enjoyment of the properties. The mother of the de-facto complainant did not claim any right over the land till her death and after her demise, a false complaint was given against the petitioners. The learned counsel for the petitioners further submitted that this is a civil dispute which has been given criminal colour to settle the same before the respondent police, instead of settling the issue before the competent civil Court.



5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or on their appearance before the learned Judicial Magistrate No.I, Nagercoil and on executing 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 on further condition that the petitioners shall appear before the respondent police daily at 10.00 a.m. until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

6. 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/-

15/06/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, NAGERCOIL, KANYAKUMARI DISTRICT.
- 2 -DO-THRO'THE CHIEF JUDICIAL MAGISTRATE, KANYAKUMARI AT NAGERCOIL.
- 3 THE ADDL.PUBLIC PROSECUTOR,MADURAI BENCH OF MADRAS HIGH COURT,MADURAI.
- 4 THE DEPUTY SUPERINTENDENT OF POLICE, DISTRICT CRIME BRANCH,
KANYAKUMARI DIST AT NAGERCOIL.
- 5 THE INSPECTOR OF POLICE, DISTRICT CRIME BRANCH, NAGERCOIL,
KANYAKUMARI DIST.

+1. CC to M/S.N.DILIP KUMAR Advocate SR.No.31318
ORDER IN
CRL OP(MD) No.6900 of 2015
Date :15/06/2015

PBK/KBM 19/06/2015 ::2P-7C::