



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

Tuesday, the Ninth day of August Two Thousand Sixteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP (MD) Nos.13999 & 14000 of 2016

VIJAYALAKSHMI

..PETITIONER/ACCUSED No.5

in CrI.OP (MD) No.13999/2016

1 SAGAYASELVI

2 ALBONSE

3 PETER @ PETER JENIFER GLASTIN

[WRONGLY MENTIONED AS PITTER IN FIR]

..PETITIONERS/ACCUSED 1,4 & 6

in CrI.OP (MD) No.14000/2016

Vs.

STATE REP.BY

THE SUB INSPECTOR OF POLICE

KODAIKANAL POLICE STATION,

DINDIGUL DISTRICT.

CR. NO.347/2016 RESPECTIVELY.

..RESPONDENT/COMPLAINANT

in Both the Petitions

For Petitioner : M/S.S.P.PABAKARAN Advocate in Both the Petitions

For Respondent : Mr.P.KANNITHEVAN, Government Advocate (CrI.Side)
in Both the Petitions

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

ORDER : The Court Made the following order :-

The petitioners who are arrayed as accused were arrested and remanded to judicial custody on 30.07.2016 for the alleged offences punishable under Sections 448,294(b),323 and 506(ii) of IPC and Section 3 of TNPPDL Act, 1992 in Crime No.347 of 2016, on the file of the respondent police and hence, seek bail.

2. The case of the prosecution is that due to the previous enmity the petitioners came into the house of the defacto complainant and beaten her by using hand and woodenlog and also broken the window of the defacto complainant's house. On complaint, a case has been registered for the above said offences.

3. The learned counsel for the petitioners submitted that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case. He further submitted that suit decreed in favour of the petitioners in O.S.No.80 of 2010 on the file of the District Munsif, Kodaikanal and they are in possession and enjoyment



of the property and the defacto complainant has no right over the property. Further, they have not damaged any property belonging to the defacto complainant and they are in judicial custody from 30.07.2016 and prays for enlarging the petitioners on bail.

4.The learned Government Advocate (Crl.side) submitted that this is the civil dispute and the investigation is pending.

5.Considering the fact the no damage caused to the property and the suit decreed in favour of the petitioners in O.S.No.80 of 2010 and that the petitioners are in judicial custody from 30.07.2016, this Court is inclined to enlarge the petitioners on bail with certain conditions. Accordingly, the petitioners are ordered to be released on bail, subject to the following conditions:

- (i) Each of the the petitioners 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 learned Judicial Magistrate, Kodaikanal.
- (ii) the petitioners 2 and 3 in Crl.O.P(MD).No.14000 of 2016 shall appear before the respondent Police daily at 10.00 am until further orders and the first petitioner in Crl.O.P(MD).No.14000 of 2016 and petitioner in Crl.O.P(MD).No.13999 of 2016 being ladies shall appear before the respondent Police as and when required for interrogation.
- (iii) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (iv) the petitioners shall not abscond either during investigation or trial.
- (v) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner 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]**.

6.The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioners are complying with the condition or not.

sd/-

09/08/2016

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE, KODAIKANAL, DINDIGUL DISTRICT.

2 -do-thro' THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL.

3 THE ADDL. PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.4 THE SUB INSPECTOR OF POLICE, KODAIKANAL POLICE STATION,
DINDIGUL DISTRICT.5 THE OFFICER-IN-CHARGE, WOMENS PRISON, NILAKOTTAI,
DINDIGUL DISTRICT.

6 THE OFFICER-IN-CHARGE, DISTRICT PRISON, DINDIGUL.

+2. CC to M/S.S.P. PABAKARAN Advocate SR.No.42853 & 42855

ORDER IN
CRL OP (MD) Nos.13999 & 14000 of 2016
Date :09/08/2016

PBK/DB/SAR-I 09/08/2016 ::3P-9C::