



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

Thursday, the Eighteenth day of August Two Thousand Sixteen
PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI
CRL OP(MD) No.15018 of 2016

1 MAHILINI THOMAS
2 VASUNTHARA RAJAN

... PETITIONERS/ACCUSED RANK NOT KNOWN

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE

PERUMALPURAM POLICE STATION, TIRUNELVELI.
(CRIME NO.492/2016)

... RESPONDENT/COMPLAINANT

JEYAKARANPONSINGH

... INTERVENOR

For Petitioner : M/S.S.PALANI VELAYUTHAM Advocate

For Respondent : M/S.P.KANNITHEVAN,
Government Advocate (Crl. Side)

For Intervenor : M/S.M.PATTURAJAN, Advocate

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

ORDER : The Court Made the following order :-

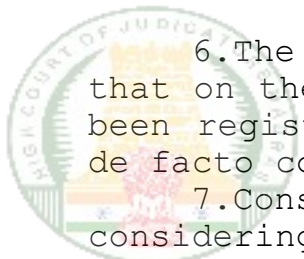
The petitioners, who are arrayed as accused, apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 452 and 506(i) IPC, in Crime No.492 of 2016, on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that the father of the de facto complainant settled the property in question to the de facto complainant and his son in the year 1986. The de facto complainant was working as doctor in United Arab Emirates. He came back to India and occupied the property in the year 1994. His brother Rajan Moses was sick and therefore he was allowed to stay in one portion of the house. Subsequently, he was died in the year 2008. The first petitioner/wife of the brother of the de facto complainant left to her native place. The second petitioner, who is the sister of the de facto complainant colluded together and broke open the lock and occupied the house. On complaint, a case has been registered for the above said offences.

3.The case of the petitioners is that the property in question belongs to one Dass Moses, father of the first petitioner and de facto complainant and father-in-law of the second petitioner. He executed a Will bequeathing the property in question equally to the de facto complainant, first petitioner and husband of the second petitioner. The petitioners are in occupation as owners. They did not trespass into the house. They have been falsely implicated in this case and a false complaint has been given.

4.The learned counsel for the petitioners submitted that the petitioners already filed a suit before the civil forum for cancellation of the settlement deed.

5.The learned counsel for the intervenor reiterated the averments made in the complaint and submitted that the petitioners kept all the articles of the de facto complainant in one room and occupied the house without any right.



6.The learned Government Advocate (Criminal side) submitted that on the complaint given by the de facto complainant, a case has been registered and investigation is pending. The petitioners and de facto complainant are close relatives.

7.Considering the facts and circumstances of the case and also considering the nature of allegations and the relationship between the petitioners and de facto complainant, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, they 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 this order, before the learned Judicial Magistrate No.I, Tirunelveli on condition that each of 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (i) the petitioners shall report before the respondent Police as and when required for interrogation.
- (ii) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioners shall not abscond either during investigation or trial.
- (iv) 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]**.

8.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 conditions or not.

sd/-

18/08/2016

/ TRUE COPY /

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

TO

- 1.THE JUDICIAL MAGISTRATE NO.I, TIRUNELVELI
 - 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT
 - 3.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
 - 4.THE INSPECTOR OF POLICE
PERUMALPURAM POLICE STATION,TIRUNELVELI.
- +1. CC to M/S.S.PALANI VELAYUTHAM Advocate SR.No.45826
+One cc to Mr.M.Patturajan, Advocate, SR.No.45309
RL/7C/2P/SS3/SARI/22/8/2016