



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

Monday, the Third day of October Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice B.GOKULDAS

CRL OP(MD) No.18757 of 2016

1 DAVID JOHN D.MORRIS
2 FRANKLIN D.MORRIS
3 SHEREEN VICTO MORRIS
4 MARY MORRIS
5 B. RAGOESH LAZER
6 P. RAVI DHOS

... PETITIONERS / ACCUSED No.1 to 6

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE
KOTTAR POLICE STATION,
KANYAKUMARI DISTRICT,
CRIME NO. 543 OF 2016.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.T.LAJAPATHI ROY Advocate

For Respondent : MR.P.KANDASAMY Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

Petitioners, who are arrayed as accused, pray for the grant of anticipatory bail under Section 438 of Cr.P.C. for the offences punishable under Sections 420, 465, 468 and 109 IPC in Crime No.543 of 2016 on the file of the respondent police.

2.The case of the prosecution is that the petitioners fabricated settlement deed dated 07.09.2011 and encroached 10 feet public pathway.

3.Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side).

4.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that a suit in O.S.No.472 of 2011 is pending before the I Additional District Munsif Court, Nagercoil and the an order of status quo and interim injunction is granted in favour of the petitioners in I.A.No.937 of 2011.



5.Learned Government Advocate (Crl. Side) submits that investigation is pending.

6.On consideration of the facts and circumstances of the case and the submissions made, this Court is of the view that the petitioners can be granted the relief prayed for and accordingly;

(a)In the event of arrest by or on appearance before the respondent police;

(b)In the event of appearance before the learned Judicial Magistrate No.II, Nagercoil, Kanyakumari, within 15 days from the date of receipt of copy of the order,

(i)petitioners shall be enlarged on bail on each of them executing a bond for Rs.10,000/- (Rupees ten thousand only) with two sureties each for the like sum to their satisfaction;

(ii)petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the fact of the case so as to dissuade him from disclosing such facts to the Court or to any Police Officer;

(iii)petitioners 1, 2, 5 and 6 shall report before the respondent Police daily at 10.00 a.m. until further orders. The petitioners 2 and 3 shall report before the concerned Court every month in the first working day of first week and third week at 10.00 a.m. until further orders.

sd/-

03/10/2016

/ TRUE COPY /

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

NBJ

TO

1 THE JUDICIAL MAGISTRATE NO.II,
NAGERCOIL, KANYAKUMARI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI AT NAGERCOIL

3 THE INSPECTOR OF POLICE, KOTTAR POLICE STATION,
KANYAKUMARI DISTRICT,

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

+1. CC to M/S.T.LAJAPATHI ROY Advocate SR.No.58532

GJM/DB/SAR-III-6.10.16-2P-6C

ORDER

IN

CRL OP(MD) No.18757 of 2016

Date :03/10/2016