



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

Wednesday, the Twenty Sixth day of October Two Thousand Sixteen
PRESENT

The Hon`ble Mr.Justice M.GOVINDARAJ

CRL OP(MD) No.20481 of 2016

WEB COPY

1 NAINAR
2 GOMATHI

... PETITIONERS/ACCUSED NO.1 & 2

Vs

THE STATE REP.BY ,
THE INSPECTOR OF POLICE,
KALAKKAD POLICE STATION,
TIRUNELVELI DISTRICT
CRIME NO.322 OF 2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.G.THALAIMUTHARASU Advocate
For Respondent : MR.A.P.BALASUBRAMANI, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

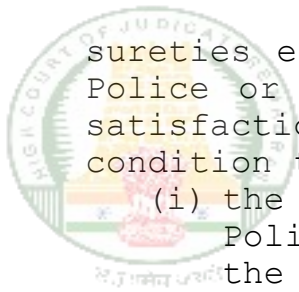
Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 447, 294(b), 323, 336, 506(ii), 379 (NP) I.P.C., and Section 4 of Women Harassment Act, in Crime No.322 of 2016, on the file of the respondent police, the petitioners have come forward with this petition seeking anticipatory bail.

2. The case of the prosecution is that the on 18.10.2016, when the *de facto* complainant constructing compound wall around the land in dispute, the petitioners trespassed into the land, abused her in filthy language and threatened her with dire consequences.

3. The learned counsel for the petitioners submitted that the petitioners are innocents and they have no connection with this case and they have been falsely implicated in this case.

4. The learned Government Advocate appearing for the State submitted that the *de facto* complainant is a coolie worker and with regard to the land in dispute, there is a civil suit pending, in O.S.No.72 of 2014, before the learned District Munsif, Valliyoor, between the first petitioner and one Jeyakaran Pon Singh, under whom the *de facto* complainant was working.

5. Taking into consideration the nature of allegations made against the petitioners, this Court is of the view that this is a fit case to grant anticipatory bail to them. 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, Nanguneri, 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 first petitioner shall report before the respondent Police daily at 10.30 a.m., until further orders and the second petitioner 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]**.

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 conditions or not.

sd/-
26/10/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, NANGUNERI.
- 2 THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
KALAKKAD POLICE STATION, TIRUNELVELI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECTUOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.G.THALAIMUTHARASU Advocate SR.No.63821

ORDER
IN
CRL OP(MD) No.20481 of 2016
Date :26/10/2016

KRK

CSL/SS-2/SAR-I/26.10.2016: 2P/6C

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