



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

Thursday, the Twenty Fifth day of February Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.3074 of 2016

WEB COPY

1 ESSAKKIMUTHU KONAR  
2 VEERABAGU

... PETITIONERS/ACCUSED 1 & 2

Vs.

STATE REP.BY  
THE INSPECTOR OF POLICE  
VALLIYOOR POLICE STATION,  
VALLIYOOR, RADHAPURAM TALUK,  
TIRUNELVELI DISTRICT.  
(CRIME NO. 55 OF 2016)

... RESPONDENT/COMPLAINANT

PETCHIAMMAL

..INTERVENER

For Petitioners : M/S S.R.ANBARASU Advocate  
For Respondent : MR.A.P.BALASUBRAMANI,  
Govt. Advocate ( Crl. Side)  
For Intervenor : MR.D.SELVARAJ, Advocate

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.  
ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 420, 447, 427, 294(b) and 506(ii) I.P.C. and Section 4 of TNPHW Act in Crime No.55 of 2016 on the file of the respondent police, seek anticipatory bail.

2. Heard the learned Counsel for the petitioners and the learned Government Advocate(Crl.Side).

3. It is the case of the prosecution that on 23.02.2011, the first petitioner settled the property in favour of the defacto complainant and his wife. After the death of the first petitioner's wife, he has cancelled the settlement dated 24.11.2015 unilaterally. Challenging that, the defacto complainant has filed a suit in O.S.No.323 of 2015. It is alleged by the defacto complainant that the petitioners are causing hindrance and trouble to the defacto complainant and threatening her from enjoyment of the property.

4. The learned Counsel for the intervenor has strongly objected for granting anticipatory bail to the petitioners.

5. Taking into consideration the nature of allegations, this Court is inclined to grant anticipatory bail to the petitioners. ~~Accordingly, the petitioners 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~~



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the learned Judicial Magistrate, Valliyoor, Tirunelveli District on condition that each of the petitioner 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the first petitioner shall appear before the respondent police as and when required for interrogation and the second petitioner shall stay at Nagercoil and report before the Nagercoil Town Police Station daily twice at 10.30 a.m. and 06.30 p.m. until further orders;

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Judicial 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 Judicial 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]**.

(e) The Inspector of Police concerned, is directed to send compliance report to the office of the learned Government Advocate (Crl.Side) whether the first petitioner is complying with the order or not.

sd/-  
25/02/2016

/ TRUE COPY /

Sub-Assistant Registrar

TO

- 1 THE JUDICIAL MAGISTRATE, VALLIYOOR, TIRUNELVELI DISTRICT.
- 2 -DO- THRO' THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE INSPECTOR OF POLICE, VALLIYOOR POLICE STATION,  
VALLIYOOR, RADHAPURAM TALUK, TIRUNELVELI DISTRICT.
- 5 THE INSPECTOR OF POLICE,  
NAGERCOIL TOWN POLICE STATION, NAGERCOIL.

+1. CC to M/S.S.R.ANBARASU Advocate SR.No.10809

akm/01.03.2016/2p-7c/AAL/MPA/SAR-I