



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

Wednesday, the Fifteenth day of June Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.8945 of 2016

1 BERNATH ALPHONSE MARY
2 ESTHER AMALRAJ
3 VASANTHARAJ
4 SUVINTHAN

... PETITIONERS / ACCUSED NO.1 TO 4

Vs

THE STATE REP.BY
THE SUB INSPECTOR OF POLICE
NAESAMONY NAGAR POLICE STATION,
NAGERCOIL.,
CRIME NO. 327 OF 2015. ... RESPONDENT / COMPLAINANT

For Petitioner : M/S N.DILIP KUMAR Advocate

For Respondent :MR.K.ANBARASAN Govt. Advocate (Crl. Side)

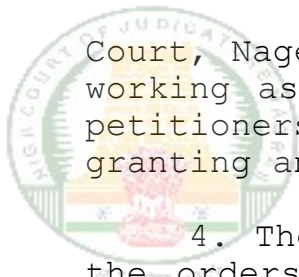
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused Nos.1 to 4, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 463,464,467,468 and 471 of IPC , in Crime No.327 of 2015 on the file of the respondent police and hence, seek anticipatory bail.

2. The case of the prosecution is that the land in question belongs to Swami Adiyar Nadar. The defacto complainant purchased the portion of property from him. While so, one Soosai Antony, the owner of the neighbouring land executed a settlement deed in favour of the petitioners in the year 1987, bearing Document No. 2283 of 1987 and thereby, committed offence. The petitioners trespassed into the land in the year 1988 and subsequently, on 12.05.2007, they destroyed the fence put up by the defacto complainant and abused the defacto complainant in filthy language. On complaint, a case has been registered against the petitioners.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submitted that due to civil dispute, the defacto complainant has given a false complaint and already, the petitioners filed O.S.Nos.314 of 2007 and 268 of 2007 before the District Munsif



Court, Nagercoil. He further contended that the first petitioner is working as a Teacher, 2nd petitioner is working as Headmaster and petitioners 3 and 4 are doing their degree courses and prayed for granting anticipatory bail in favour of the petitioners.

4. The learned Government Advocate (Crl.Side) submitted as per the orders of this Court, a case has been registered against the petitioners and the investigation of the case is pending.

5. Considering the facts and circumstances of the case and also considering the fact that the occurrence took place in the year 1987, 1988 and 2007 respectively and that the case has been registered in the year 2015, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.II, Nagercoil and on each of them executing 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 Magistrate concerned and on further condition that the petitioners shall appear before the respondent police daily as and when required for interrogation. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

6. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-

15/06/2016

/ TRUE COPY /

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

TRP
TO

1 THE JUDICIAL MAGISTRATE NO.II, NAGERCOIL

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

3 THE SUB INSPECTOR OF POLICE, NAESAMONY NAGAR POLICE STATION,
NAGERCOIL.

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

+1. CC to M/S N.DILIP KUMAR Advocate SR.No.30797
GJM/GSV/PM/SAR-I-20.6.16-2P-6C

ORDER

IN

CRL OP(MD) No.8945 of 2016

Date :15/06/2016