



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

Tuesday, the Twenty First day of June Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.9797 of 2016

1 NIJU
2 NIJITH

... PETITIONERS / ACCUSED No.1 and 2

Vs

The State rep.by
THE INSPECTOR OF POLICE
THIRUVATTAR POLICE STATION,
KANYAKUMARI DISTRICT,
CR NO. 199/2016.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S K.P.NARAYANAKUMAR Advocate

For Respondent : Mr.P.Kannithevan Govt. Advocate (Crl. Side)

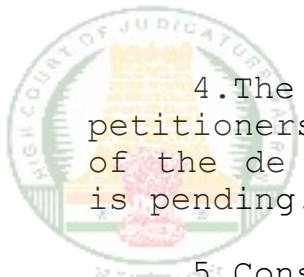
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused Nos.1 and 2, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 448, 506(ii) IPC and Section 3(i) of TNPPDL Act read with Section 4 of Woman Harassment Act, in Crime No.199 of 2016 on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that due to pathway dispute between the de facto complainant and the accused Nos.1 and 2, on 17.05.2016 at about 09.45 p.m., all the accused persons joined together and trespassed into the house of the de facto complainant with weapons and caused damages to the household articles of the de facto complainant and nearby houses. When the de facto complainant questioned about the same, the accused persons threatened him and neighbours with dire consequences.

3.The learned counsel for the petitioners submitted that there was a civil dispute between the petitioners/accused Nos.1 and 2 and due to that the defacto complainant has given a false complaint and the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. The accused Nos.5 and 7 were already granted anticipatory bail by this Court vide order dated 06.06.2016 made in Crl.O.P(MD)No.8557 of 2016 and A.4 was granted anticipatory bail by this Court vide order dated 15.06.2016 made in Crl.O.P(MD)No.9354 of 2016.



4.The learned Government Advocate(Crl.side) submitted that the petitioners along with other accused damaged the household articles of the de facto complainant worth about Rs.55,000/-. Investigation is pending.

5.Considering the facts and circumstances of the case and also considering the fact the accused Nos.5 and 7 were already granted anticipatory bail by this Court vide order dated 06.06.2016 made in Crl.O.P(MD)No.8557 of 2016 and A.4 was granted anticipatory bail by this Court vide order dated 15.06.2016 made in Crl.O.P(MD)No.9354 of 2016, 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, Padmanabhapuram 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 at 10.00 a.m., until further orders. 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/-
21/06/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, PADMANABHAPURAM
- 2 -do-thro THE CHIEF JUDICIAL MAGISTRATE, KANYAKUMARI AT NAGERCOIL
- 3 THE INSPECTOR OF POLICE
THIRUVATTAR POLICE STATION,
KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S K.P.NARAYANAKUMAR Advocate SR.No.31766

sm:SKS-RR:SAR III:24.06.2016:2P/6C

ORDER
IN
CRL OP(MD) No.9797 of 2016
Date :21/06/2016