



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

Friday, the Twelfth day of May Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN

CRL OP(MD) No.5809 of 2017

1 VENNILA
2 SELIN MARY

... PETITIONERS / ACCUSED 1 & 4

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
THUCKALAY POLICE STATION,
KANYAKUMARI DISTRICT.
CR.NO.254/2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.C.K.M.APPAJI 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 :-

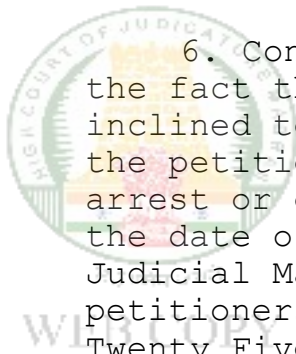
The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 447, 294(b), 506(i) of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act in Crime No.254 of 2017 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners along with other two persons trespassed into the property of the defacto complainant and abused in filthy language and threatened with dire consequences.

3. The learned counsel appearing for the petitioners would submit that a civil suit is pending between the parties in O.S.No.26 of 2011 on the file of the Court of District Munsif, Padmanabhapuram and the petitioners are innocent persons and due to civil dispute, a false case has been foisted against them and prays for granting of anticipatory bail in favour of the petitioners.

4. The learned Government Advocate (Crl. Side) on instructions would submit that this is a case of civil dispute and no-one sustained injury in the alleged occurrence. He further submitted that the petitioners caused damage to an Electric Motor, worth about Rs.10,000/-.

5. Heard the rival submissions made on either side and perused the F.I.R and other relevant records.



6. Considering the facts and circumstances and also considering the fact that this is a case of civil dispute, 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 the learned Judicial Magistrate, Padmanabhapuram, on condition that each of the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 petitioners shall deposit a sum of Rs.10,000/- to the credit of Crime No.254 of 2017 before the learned Magistrate concerned.

[b] The petitioners report before the respondent police daily at 10.00 am until further orders.

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

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

[e] the petitioners are directed to co-operate with the respondent police for investigation.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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].

sd/-

12/05/2017

/ TRUE COPY /

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

TO

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

+1. CC to M/S.C.K.M.APPAJI Advocate SR.No.21987

ORDER

IN

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Date :12/05/2017