



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

Tuesday, the Twelfth day of September Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.11912 of 2017

1 JOSEPH FELCI
2 CHARLES BESKI
3 JEBASTIN ANAND
4 GNANA ANBAZHAGAN
5 JOYCE
6 AGNAL SURENDAR

... PETITIONERS / ACCUSED NO.1 to 6

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
VALLIYOOR POLICE STATION,
TIRUNELVELI DISTRICT,
CR NO. 287/2017.

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.R.ANAND Advocate

For Respondent : MR.A.RAMAR Additional Public Prosecutor

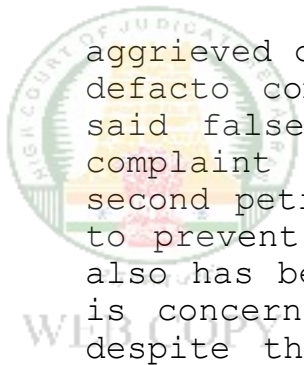
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners/A1 to A6, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Section 147, 148, 294(b) and 506(ii) of IPC., and Section 4 of Tamil Nadu Prohibition and Harassment of Women Act r/w Section 3 of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, in Crime No.287 of 2017, seek anticipatory bail.

2. The case of the prosecution is that there was a land dispute between the accused and the de-facto complainant in this case and the petitioners are said to have unlawfully assembled and damaged the fence in the lands of the de-facto complainant worth about Rs.50,000/-.

3. The learned counsel appearing for the petitioners states that the so called occurrence allegedly took place on 09.03.2017, the FIR is said to have been registered on 29.08.2017. The entire allegations are false and in fact the third petitioner is a practicing Doctor and in his clinic on 09.09.2017, one Murugan, who is the brother of the Special Police by name Nandha Gopal has taken treatment. After getting recovery, without paying the hospital bill i.e. RS.39,000/- he has simply escaped, as a result of which when the third petitioner was taking steps for getting the amount,



aggrieved over the same, the said special police has made use of the defacto complainant to become a complainant and accordingly the said false case has been instituted. That apart, in a private complaint that has been filed against the police personal, the second petitioner is a witness and that is the reason why in order to prevent him from deposing against them in open Court, his name also has been purposely included. Insofar as the fourth petitioner is concerned, on the date of occurrence he was not in India and despite the same, he is also intentionally implicated. He also submitted that there is a civil Suit pending in O.S.No.O.S.No.35 of 2017, on the file of the Sub-Court, Valliyoor filed by the fourth and fifth petitioners against the defacto complainant and is pending in respect of the alleged property and the said fact has been suppressed in the FIR.

4. The learned Additional Public Prosecutor appearing for the respondent, on instructions, would submit that there are totally six named accused in this case and the petitioners are arrayed as A1 to A6 respectively and the investigation is still pending. He also submitted that there is a delay in filing the complaint, because, the occurrence took place in Kallikulam, but the petitioners are residing at Kallakadu.

5. Considering the above facts and circumstances of the case and also considering the fact that, no one sustained injury in this case and the civil suit is also pending between the fourth petitioner and the de-facto complainant and there is a delay in registering the FIR, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate, Valliyoor, Tirunelveli District, on condition that each 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 the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that A3 shall report before the respondent police, as and when required and the remaining petitioners shall report before the learned Judicial Magistrate, Valliyoor, Tirunelveli District daily at 10.30 a.m., until further orders and The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C., scrupulously.

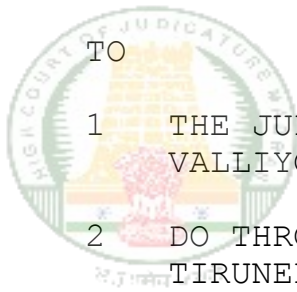
7. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy is made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-

12/09/2017

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



TO

1 THE JUDICIAL MAGISTRATE,
VALLIYOOR, TIRUNELVELI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE,
VALLIYOOR POLICE STATION, TIRUNELVELI DISTRICT.

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

+1. CC to M/S.R.ANAND Advocate SR.No.30485

ORDER

IN

CRL OP(MD) No.11912 of 2017

Date :12/09/2017

MKV-PM-PN-SAR 2/13.09.2017/3P-6C