



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

Thursday, the Fourteenth day of September Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.12064 of 2017

1 K.EBANEZER

2 E.THERUS MARY @ GEETHA ... PETITIONERS / ACCUSED NO.2 and 4

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
KADAIYALUMOODU POLICE STATION,
KANYAKUMARI DISTRICT.
CRIME NO.51/2017

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.T.LAJAPATHI ROY Advocate

For Respondent : MR.A.RAMAR Additional Public Prosecutor

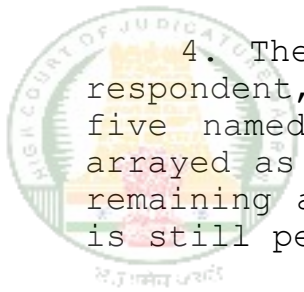
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners/A2&A4, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 447, 294(b), 457, 506(ii) and 379 of IPC., and Section 4 of Women Harassment Act, in Crime No.51 of 2017, seek anticipatory bail.

2. The case of the prosecution is that on the date of occurrence the accused entered into the land of the de-facto complainant situated in 187/2 and damaged the fencing and also stolen away the iron fencing and boundary stone pillars worth about Rs.1,00,000/- and also abused and threatened her with dire consequences.

3. The learned counsel appearing for the petitioners states that the petitioner did not commit any offence as alleged by the de-facto complainant. The case of the prosecution is entirely false. It is a clear case of civil dispute and no such occurrence took place on that date. The real fact is that the first accused namely Mr.Justin Raj is having property in Survey No.187 of 10 in that village and the same was occupied at encroached by the de-facto complainant and the same was questioned by the first accused and tried to vacate her from that place. For that reason the instant false complaint has been lodged by the de-facto complainant and the petitioners herein are close relatives of the first accused.



4. The learned Additional Public Prosecutor appearing for the respondent, on instructions, would submit that there are totally five named accused in this case and the petitioners herein are arrayed as A2 and A4 respectively. He would further submit that the remaining accused are absconding in this case and the investigation is still pending.

5. Considering the above facts and circumstances of the case and also considering the same that no one sustained injured in the alleged occurrence and it is the civil dispute arose between the parties, 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 No.I, Kuzhithurai, 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 the petitioners shall report before respondent Police daily at 10.30 a.m., for a period of three weeks and thereafter, as and when required, for interrogation. 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/-
14/09/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, KUZHITHURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE INSPECTOR OF POLICE,
KADAIYALUMOODU POLICE STATION, KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.T.LAJAPATHI ROY Advocate SR.No.30812

ORDER IN
CRL OP(MD) No.12064 of 2017
Date :14/09/2017