



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

Wednesday, the Twenty Ninth day of November Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.16155 of 2017

1 SASIKUMAR @ SUNIL
2 DARVIN BRIGHT
3 DARSAN
4 SANTHAKUMARI

... PETITIONERS / ACCUSED NO.1 to 4

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
KULASEKARAM POLICE STATION, KULASEKARAM,
KANYAKUMARI DISTRICT.
CR.NO.369/2017

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.G.KANDHAVADIVELAN Advocate
For Respondent : MR.K.ANBARASAN Govt. Advocate (Crl. Side)

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

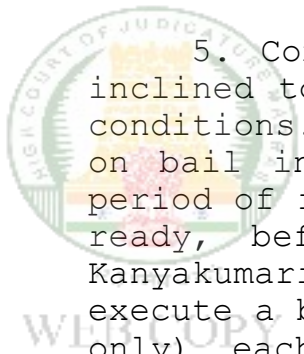
ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused Nos.1 to 4, apprehend arrest at the hands of the respondent police for the offences punishable under Sections 447, 427, 379 (NP) and 506(ii) of IPC, in Crime No.369 of 2017, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 25.10.2017, due to property dispute, the petitioners, who are the brothers of the defacto complainant, along with other accused persons entered into the defacto complainant's land and damaged the barbed wire fencing and threatened him with dire consequences. Thereby, the defacto complainant gave a complaint before the respondent police. Based on the complaint, the case has been registered for the above said offences.

3. The case of the petitioners is that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submitted that in order to maintain cordial relationship, the petitioners are ready to deposit some amount as compensation, since the allegation is that the petitioners damaged the fencing.

4. The learned Government Advocate (Criminal side) appearing for the respondent has no objection for the same.



5. Considering the facts and circumstances of the case, I am 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, within a period of fifteen days from the date on which the order copy is made ready, before the learned Judicial Magistrate, Padmanabhapuram, Kanyakumari District, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) each, with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (i) the petitioners shall deposit a sum of Rs.40,000/- (Rupees Forty Thousand only) to the credit of the Crime No.369 of 2017, before the trial Court and thereafter, the learned Judicial Magistrate shall accept the sureties furnished by the petitioners and disburse the said amount to the defacto complainant immediately;
- (ii) the petitioners shall make themselves available for interrogation including custodial interrogation as and when required by the investigation officer;
- (ii) the petitioners shall not tamper with evidence or witness either during investigation or trial;
- (iv) the petitioners shall not commit any offence while on bail;
- (iv) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law and the anticipatory bail granted stands cancelled automatically.

sd/-

29/11/2017

/ TRUE COPY /

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

TO

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

+1. CC to M/S.G.KANDHAVADIVELAN Advocate SR.No.35294

ORDER IN

CRL OP(MD) No.16155 of 2017

Date :29/11/2017