



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

Tuesday, the Nineteenth day of December Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.16495 of 2017

1 MARIA NAMIS
2 REEGAN
3 SATHAN

... PETITIONERS / ACCUSED
Rank Not Known

Vs

THE STATE REPRESENTED BY ITS
THE INSPECTOR OF POLICE
NESAMANI NAGAR POLICE STATION,
KANYAKUMARI DISTRICT
(CRIME NO.495/2017)

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.M.S.JEYAKARTHIK Advocate

For Respondent : Mr.K.ANBARASAN, Govt. Advocate (Crl. Side)

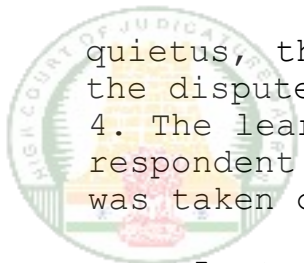
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused, apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 353 and 506(i) of IPC, in Crime No.495 of 2017, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that there was a tenancy dispute between the petitioner and the defacto complainant. The defacto complainant filed RCOP.No.41 of 2014, on the file of the learned Principal District Munsif, Nagercoil which ended in favour of the defacto complainant against which the petitioner herein filed an appeal in R.C.A.No.16 of 2017, on the file of the Rent Control Appellate Tribunal/Principal Sub Court, Nagercoil. Pending appeal, the Court below appointed Court Amina for securing the property in dispute. When the Court Amina went to the disputed property, the petitioners prevented him from discharging his official duty. Thereby, he preferred a complaint before the respondent police. Based on the complaint, a case has been registered for the above said offence against the petitioners.

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. However, in order to give



quietus, the petitioners vacated the premises and the possession of the disputed property also taken over by the defacto complainant.

4. The learned Government Advocate (Criminal side) appearing for the respondent on instructions, would also confirmed that the possession was taken over by the defacto complainant.

5. Considering the facts and circumstances of the case and also considering the submissions made by the learned counsel on both side, 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 No.II, Nagercoil, 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 report before the learned Principal Sub Judge, Nagercoil, daily between 10.00 a.m. and 11.00 a.m., for a period of four weeks;
- (iii) the petitioners shall not tamper with evidence or witness either during investigation or trial;
- (iv) the petitioners shall make themselves available for interrogation including custodial interrogation as and when required by the investigation officer;
- (v) 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/-

19/12/2017

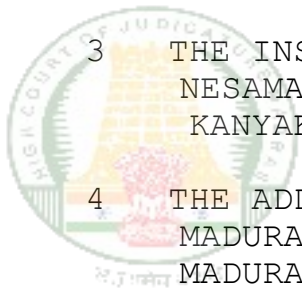
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE NO.II
NAGERCOIL,
KANYAKUMARI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL



3 THE INSPECTOR OF POLICE
NESAMANI NAGAR POLICE STATION,
KANYAKUMARI DISTRICT

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

COPY TO:-

THE PRINCIPAL SUBORDINATE JUDGE,
NAGERCOIL

+1. CC to MR.M.S.JEYAKARTHIK Advocate SR.No.36473

JAM/22.12.17/PM-PN/ SAR 3/ 3P-7C

ORDER

IN

CRL OP(MD) No.16495 of 2017

Date :19/12/2017