



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

Monday, the Fourth day of December Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.16536 of 2017

1 BASKARAN

2 JAKULIN

... PETITIONERS/ACCUSED No.1 & 3

Vs

STATE THROUGH,
THE INSPECTOR OF POLICE,
ALGSC/DCB.,
KANYAKUMARI DISTRICT.
CRIME.NO.2 OF 2016

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.KA.RAAMAKRISHINAN Advocate

For Respondent : MR.K.ANBARASAN, Government 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 and 3, apprehend arrest at the hands of the respondent police for the offences punishable under Sections 120(b), 420, 465, 467, 468 and 471 of I.P.C., in Crime No.2 of 2016, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the the defacto complainant is none other than the father of the first petitioner and the second petitioner is the daughter-in-law of the defacto complainant. There was a property dispute in between the father and the son and thereby, the father lodged a complaint before the respondent police against his son and daughter-in-law.

The learned counsel for the petitioners submitted that the petitioners herein also filed a Criminal Original Petition under Section 482 Cr.P.C., before this Court in Crl.M.P.(MD).No.9759 of 2017 in Crl.O.P.(MD).No.14632 of 2017 and obtained an order of interim stay on 31.10.2017. He further submitted that on an earlier occasions, this Court dismissed the Criminal Original Petition as withdrawn for two times and also dismissed for default for one time. He further submitted that the petitioners did not commit any offence as alleged by the prosecution and hence, he prayed for anticipatory bail.



4.The learned Government Advocate (Criminal side) appearing for the State submitted that he did not dispute the fact made by the learned counsel for the petitioners.

5.Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Crl. 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 of receipt of a copy of this order, before the Judicial Magistrate Land Grabbing, Kanniyakumari, 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 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 respondent police, as and when required for interrogation;

(ii) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(iii) the petitioners shall make themselves available for interrogation including custodial interrogation as and when required by the investigation officer;

(iv) the petitioners shall not abscond either during investigation or trial;

(v) the petitioners shall not commit any offence while on bail;

(vi) 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/-
04/12/2017

/ TRUE COPY /

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



TO

- 1 THE JUDICIAL MAGISTRATE,
LAND GRABBING, KANNIYAKUMARI.
- 2 THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE INSPECTOR OF POLICE,
ALGSC/DCB., KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

ORDER

IN

CRL OP(MD) No.16536 of 2017

Date :04/12/2017

PK/RR-BS/SAR-1/22.09.2017 : 3P/5C