



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

Friday, the Sixth day of October Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2968 of 2017

1 FR.I.ANTHINY XAVIOR
2 VINCENT
3 THOBIYAS
4 AMALADHAS

... PETITIONERS / ACCUSED No.1,2,3,4

Vs

THE INSPECTOR OF POLICE,
MARTHANDAM POLICE STATION,
KANYAKUMARI DISTRICT
CRIME NO.67 OF 2017

... RESPONDENT / COMPLAINANT

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

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

For Intervenor : Mr.K.P.Narayanakumar, Advocate

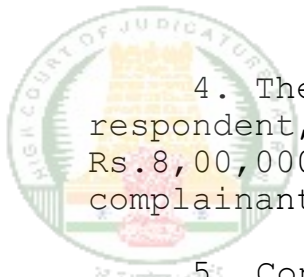
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 452, 379 I.P.C., and Section 3(1) of TNPPDL Act, 1992, in Crime No.67 of 2017, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 05.02.2017 at 11.30 p.m the defacto complainant is residing near to the petitioners' church and the petitioners were continuously giving trouble to the defacto complainant, thereby, the petitioners forced the defacto complainant to sell the house property to them. When the defacto complainant refused to accept the same, the petitioners demolished the property of the defacto complainant on 05.02.2017 at 11.30 p.m., in which, they took the 20 sovereigns gold and Rs.10,00,000/- (Rupees ten lakhs only), which are kept in the cupboard. Hence, a criminal case has been registered against the accused persons herein.

3. The learned counsel appearing for the petitioner would submit that a compensation of Rs.8,00,000/- (Rupees eight lakhs only) is given to the defacto complainant and the intervener on behalf of the defacto complainant is also confirmed the same.



4. The learned Government Advocate (Crl.side) appearing for the respondent, on instructions, would submit that a compensation of Rs.8,00,000/- (Rupees eight lakhs only) is given to the defacto complainant.

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 of receipt of a copy of this order, before the learned Judicial Magistrate Court No.I, Kuzhithurai, Kanyakumari District, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) 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) (I) the petitioners/A1 to A4 shall report before the respondent police daily at 10.30 a.m, for a period of two weeks and thereafter, 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 commit any offence while on bail;
- (v) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law and the bail granted stands cancelled automatically.

sd/-
06/10/2017

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO.I
KUZHITHURAI, KANYAKUMARI DISTRICT

2 -do-thro THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI DISTRICT AT NAGERCOIL

3 THE INSPECTOR OF POLICE,
MARTHANDAM POLICE STATION,
KANYAKUMARI DISTRICT

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

+1. CC to M/S.K.P.NARAYANAKUMAR Advocate SR.No.32375

ORDER

IN

CRL OP(MD) No.2968 of 2017

Date :06/10/2017

SM:PM-PN:SAR 4:11.10.2017:3P/6C