



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

Tuesday, the Twentieth day of June Two Thousand Seventeen

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CRL OP(MD) No.23051 of 2016
and
CRL OP(MD).No.4504 of 2017

V.NALCHANDRA RUBY

... INTERVENE PETITIONER /
DEFACTO COMPLAINANT
in CRL OP(MD).No.23051 of 2016

1 C.GLADIS VIJI
2 REENA

...PETITIONERS/ACCUSED NO.1 AND 2
in CRL OP(MD).No.4504 of 2017

Vs

1 C.GLADIS VIJI
2 REENA

...RESPONDENT/ACCUSED NO.1 AND 2
in CRL OP(MD).No.23051 of 2016

3 THE STATE REP.BY
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, NAGERCOIL,
KANYAKUMARI DISTRICT
CRIME.NO.19 OF 2008

... 3rd RESPONDENT / COMPLAINANT
in CRL OP(MD).No.23051 of 2017

... RESPONDENT / COMPLAINANT
in CRL OP(MD).No.4504 of 2017

For Petitioner : M/S.T.LAJAPATHI ROY Advocate
in CRL OP(MD).No.23051 of 2016

For Petitioner : M/S.M.S.Jeyakarthik, Advocate
in CRL OP(MD).No.4504 of 2017
For R1 and R2
in CRL OP(MD).No.23051 of 2016

For Respondent : Mr.A.Ramar, Additional Public Porsecutor
in both the petitions

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



ORDER : The Court Made the following order :-

The petitioners, in Crime No.19 of 2008 on the file of the respondent police, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 120(b), 417, 420, 468, 471 of I.P.C., and hence, seek anticipatory bail.

2. CrI.O.P.(MD).No.23051 of 2016 has been filed to cancel the anticipatory bail granted to the respondents 1 and 2 in CrI.O.P.(MD).No.9615 of 2008, dated 06.11.2008.

3. The learned counsel for the petitioner/de-facto complainant would submit that in this matter, investigation has been completed and the charge sheet has also been filed on 25.08.2014 itself before the learned Judicial Magistrate No.I, Nagercoil, Kanyakumari District, against the respondents 1 and 2. The respondents 1 and 2 have not complied with the order in CrI.O.P.(MD).No.9615 of 2008, dated 06.11.2008 and they have come forward to file the present anticipatory bail petition. Hence, the anticipatory bail may be cancelled.

4. The learned counsel for the respondents/accused 1 and 2 would submit that as the Police have informed that the case has been closed as 'Mistake of Fact', they did not appear and they did not execute the sureties. Now, they have come forward to file another anticipatory bail petition, whereas the de-facto complainant has filed the petition for cancellation of anticipatory bail.

5. Considering the facts and circumstances of the case and also considering the fact that the case is of the year 2008, this Court is not inclined to entertain the petition for cancellation of anticipatory bail. Therefore, the petition for cancellation of anticipatory bail is dismissed.

6. But, this Court is conscious to the fact that the respondents/accused 1 and 2 have not obeyed the order of this Court and though the respondents/accused 1 and 2 have submitted that only because of the police informing that it has been closed as 'Mistake of Fact', they did not comply with the order cannot be accepted by this Court and to meet the ends of justice, this Court directs the respondents/accused 1 and 2 to pay a sum of Rs.2,000/- (Rupees Two Thousand only) towards cost to the Legal Aid Services Authority attached to this Bench. Accordingly, the respondents/accused 1 and 2 are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.I, Nagercoil and the respondents/accused 1 and 2 shall appear before the respondent police daily from 5.30 p.m. to 7.00 p.m. for a period of four weeks and thereafter, as and when required and on further condition that the respondents/accused 1 and 2 shall furnish immovable property security to the value of Rs.5,00,000/- each, either themselves or their relatives or friends.



7. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
20/06/2017

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/ TRUE COPY /

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

TO

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

+1. CC to M/S.M.S.JEYAKARTHIK Advocate SR.No.24903

Copy to: The Authorized Officer
The Legal Aid Services Authority,
Madurai Bench of Madras High Court, Madurai

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ORDER
IN
CRL OP(MD) No.23051 of 2016 &
CRL OP(MD) No.4504 of 2017
Date :20/06/2017