

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

Tuesday, the Nineteenth day of September Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.12197 of 2017

WILSON RAJ

... PETITIONER/5<sup>th</sup> ACCUSED

Vs

THE INSPECTOR OF POLICE  
KADAIYALUMUDU POLICE STATION,  
KADAIYALUMUDU,  
KANYAKUMARI DISTRICT,  
CRIME NO. 51 OF 2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.N.PRAGALATHAN Advocate

For Respondent : MR.A.RAMAR, Additional Public Prosecutor,

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 447, 294(b), 427, 379(NP) and 506(ii) of IPC., and Section 4 of Women Harassment Act, in Crime No.51 of 2017, seeks anticipatory bail.

2. The case of the prosecution is that all the accused trespassed into the land of the defacto complainant and damaged the wire fencing and caused loss to the tune of Rs.1,00,000/- and also abused and threatened the defacto complainant and her father.

3. The learned counsel appearing for the petitioner states that the petitioner is an innocent and he has not committed any offence, as alleged by the prosecution. He also submitted that A1 is the sister's son of petitioner; A2 & A3 are brothers and A4 in this case is wife of A2. There was a property dispute between the defacto complainant and the accused herein and a false complaint has been preferred against the petitioner herein and there is no specific overt act against the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent, on instructions, would submit that there are totally 5 accused in this case and the petitioner herein is arrayed as A5. All the accused trespassed into the land of the defacto complainant and damaged the wire fencing and caused loss to the tune of

Rs.1,00,000/- and also abused and threatened the defacto complainant and her father. He also submitted that A2 & A4 were arrested and released on bail as per the orders of this Court in Crl.O.P(MD) No.12064 of 2017, dated 14.09.2017. A1 and A3 are still absconding. No one is sustained injury in the alleged occurrence and the investigation is still pending.

5. Considering the above facts and circumstances of the case and also considering the fact that no one is sustained injury in the occurrence and the co-accused had already been granted bail, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate, Kuzhithurai, Kanyakumari District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that the petitioner shall report before respondent Police daily at 10.30 a.m., until further orders, for interrogation. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C., scrupulously.

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

sd/-

19/09/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE,  
KUZHITHURAI, KANYAKUMARI DISTRICT
- 2 THE CHIEF JUDICIAL MAGISTRATE  
KANYAKUMARI DISTRICT AT NAGERCOIL
- 3 THE INSPECTOR OF POLICE  
KADAIYALUMUDU POLICE STATION,  
KADAIYALUMUDU, KANYAKUMARI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to M/S.N.PRAGALATHAN Advocate SR.No.31008

ORDER IN

CRL OP(MD) No.12197 of 2017

Date :19/09/2017