



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

Thursday, the Eighteenth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.230 of 2018

1 TERANCE RAJAN @ PAZHAM
2 D.M.JEBARSON @ JEBA
3 UJIN @ UJIN ARUL
4 R.PRAVIN XAVIER
5 SELVIN HENTIDAS @ SELVIN
6 JUSTIN PRABHU
7 D.MARIA MICHEL @ MICHEL RAJ
8 J.BERVIN PRINCE @ PRINCE

... PETITIONER/
ACCUSED NO 1 TO 5 & 7 TO 9

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
ERANIEL POLICE STATION,
KANYAKUMARI DISTRICT
(CR.NO.668/2017)

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.R.MANIMARAN Advocate

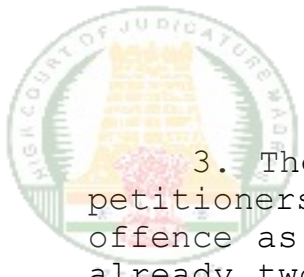
For Respondent : M/S.A.ROBINSON, Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioners/A1 to A5 & A7 to A9, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 452, 294(b), 427, 379 and 506(ii) IPC, in Crime No.668 of 2017, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 18.12.2017, due to previous enmity, the petitioners trespassed into the house of the defacto complainant and abused her using filthy language and made a life threat to her. Further the petitioners had stolen a sum of Rs.45,800/- from her house and damaged the household articles. Hence, the present case has been registered for the above said offences.



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. He would further submit that already two cases were registered against the defacto complainant's sons in Crime Nos.663 of 2017 and 664 of 2017 alleging that they had prevented the petitioners to perform the Christmas celebrations and attacked them. Now, this complaint has been given as a counter blast. He further submitted that the petitioners have been falsely implicated in this case and he prays for anticipatory bail.

4. The learned Government Advocate (Criminal side) appearing for the respondent on instructions, would submit that the petitioners trespassed into the house of the defacto complainant and stolen Rs.45,800/- and damaged the household articles and investigation is still pending. This is a case of case and case in counter.

5. The submissions made by the learned counsel on either side are considered. It is alleged that this case has been registered as a consequence of Crime Nos.663/2017 and 664/2017 on the file of the respondent police. The abovesaid two cases were registered only against the sons of the defacto complainant on 15.12.2017. Further, it is alleged that due to the quarrel regarding communal faith, the petitioners in order to wreck vengeance, unlawfully assembled and entered into the house of the defacto complainant and damaged the household articles. However, considering the previous enmity between the defacto complainant and the accused persons, this Court is inclined to grant anticipatory bail to the petitioners with some stringent conditions. Accordingly, the petitioners are ordered to be released on anticipatory 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 District and Sessions Court, Kanyakumari, 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 Srivilliputhur Town Police Station, daily at 10.00 a.m., until further orders;

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

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

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



(v) on breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioner shall stand automatically cancelled and the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**

sd/-
18/01/2018

/ TRUE COPY /

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

TO

- 1 THE DISTRICT AND SESSIONS JUDGE,
KANYAKUMARI
- 2 THE INSPECTOR OF POLICE,
ERANIEL POLICE STATION,
KANYAKUMARI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.R.MANIMARAN Advocate SR.No.927

ORDER
IN
CRL OP(MD) No.230 of 2018
Date :18/01/2018

PK/RR-CSL/SAR-1/24.01.2018 : 3P/5C