



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

Tuesday, the Fourth day of September Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) No.15778 of 2018

1 PONNUMUTHU
2 SARASWATHY @ SHAJILA
3 RAVI @ JUSTIN

... PETITIONERS / ACCUSED 1 TO 3

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
THUCKALAY POLICE STATION,
KANYAKUMARI DISTRICT,
CRIME NO.702/2016

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.M.SARAVANAN Advocate

For Respondent : M/S.M.ANANTHA DEVI Govt. Advocate (Crl. Side)

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, 448, 379 and 506(i) I.P.C in Crime No.702 of 2016, seek anticipatory bail.

2.The case of the prosecution is that on 03.05.2018, the petitioners along with 10 unnamed persons trespassed into the defacto complainant's land, cut and removed Jackfruit trees , worth about Rs.2,00,000/-. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that in respect of the civil dispute between both the parties, they filed the suits and the same were pending. The second accused's husband filed a suit in O.S.No.14 of 2017 on the file of the learned Subordinate Judge, Padmanabhapuram for partition and it is pending. The defacto complainant has also filed a suit in O.S.No.189 of 2012 on the file of the learned Subordinate Judge, Padmanabhapuram, in which, injunction has been granted in his favour. Even prior to this occurrence, in the year 2015, the defacto complainant has removed the trees from the land of the petitioners, in which, the complaint has been lodged by the petitioners herein and the same was registered in Crime No.872 of 2015 before the



respondent police. Now, the respondent has filed a charge sheet and the same was taken cognizance in C.C.No.176 of 2017 before the learned Judicial Magistrate, Padmanabhapuram and it is pending for trial.

4.The learned Additional Public Prosecutor submitted that the investigation is pending in this case.

5.Taking note of all these aspects, this Court is 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 before the learned Judicial Magistrate No.I, Padmanabhapuram and on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the petitioners shall appear before the respondent police as and when required for interrogation. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

6.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 shall stand dismissed.

sd/-
04/09/2018

/ TRUE COPY /

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

TO

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

+1. CC to M/S.M.SARAVANAN Advocate SR.No.16827

ORDER
IN
CRL OP(MD) No.15778 of 2018
Date :04/09/2018