



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

Wednesday, the Twenty Fourth day of April Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3717 of 2019

1 R.MAHILA

2 MESAK MOHANDASS @ MOHANDASS

... PETITIONERS / ACCUSED 9 & 11

Vs

STATE REP. BY

THE INSPECTOR OF POLICE,
KARUNGAL POLICE STATION,
KANYAKUMARI DISTRICT.

(CRIME NO.69/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR. R. RUSSELRAJ Advocate

For Respondent : MR.S.CHANDRASEKAR, Additional Public Prosecutor

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

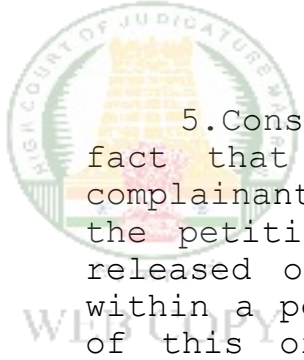
ORDER : The Court Made the following order :-

The petitioners who are apprehending arrest at the hands of the respondent police for the alleged offence under Sections 468,471,419,120(B) and 420 of IPC in Cr.No.69 of 2019, on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that the defacto complainant is the owner of the property and the petitioners along with others approached the defacto complainant to give the vacant land for them to run benefaction scheme for providing free food to the poor people, for which he has given his land and later inorder to grab the property they entered into agreement with the defacto complainant and cheated him. Hence the compalint

3.The learned counsel appearing for the petitioners would submit that yesterday the entire property was handed over to the defacto complainant without any quarrel.

4.The learned Government Advocate(Crl.side) appearing for the respondent police would submit did not dispute the fact submitted by the learned counsel for the petitioners.



5. Considering the facts and circumstances and considering the fact that the entire property was handed over to the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioners. 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, Eraniel, Kanyakumari District on condition that the petitioners shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police as and when required for interrogation.

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

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

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned 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]**; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

24/04/2019

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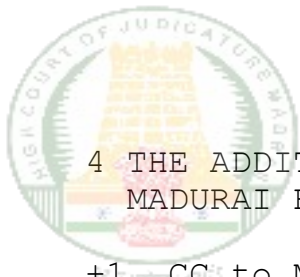
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE,
ERANIEL, KANYAKUMARI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI AT NAGERCOIL.

3 THE INSPECTOR OF POLICE,
KARUNGAL POLICE STATION,
KANYAKUMARI DISTRICT.



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

+1. CC to M/S. R. RUSSELRAJ Advocate SR.No. 7195

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ORDER

IN

CRL OP(MD) No.3717 of 2019

Date :24/04/2019

JM/JC/SAR 1/29.04.2019/3P/6C