



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/08/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.11654 of 2019

1. Manikandan,
2. Ponnaiya,,
3. Devadhas,
4. Suresh Babu,
5. Narayanan,
6. Manikandan,
7. Thinakaran,
8. Vinayaga Moorthy,,
9. Padmavathi,,
10. Kala Alias Sree Kala,
11. Radha,

... Petitioners /Accused Nos.1 to 11

Vs

The State rep.by its
The Inspector of Police,
Vellichanthai Police Station,
Kanyakumari District..

... Respondent/Complainant

Rani Rathabai ... Intervener Petitioner/Defacto Complainant
in CRL MP(MD).NO.7561 of 2019 in
CRL OP(MD).NO.11654 of 2019

For Petitioners : M/s. T.Murugan,
Advocate.

For Respondent : Ms.M.Anantha Devi,
Government Advocate (Crl.Side)

For Intervenor :Mr.C.Sankar Prakash, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.83 of 2019 on the file of
the respondent

<https://hcservices.ecourts.gov.in/hcservices/>



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, 447, 427, 294(b) and 506(ii) in Crime No.205 of 2019, seek anticipatory bail.

2.The learned senior counsel appearing for the petitioners has submitted that the petitioners are innocent and due to property dispute, they have been falsely implicated in this case. He further submitted that against the defacto complainant and his brother, complaints were already given by the villagers and as a counter-blast, the present complaint has been lodged against the petitioners. However, he fairly submitted that the petitioners are willing to deposit a sum of Rs.50,000/- without prejudice to their defence. Therefore, he prayed for grant of anticipatory bail to the petitioners.

3.The learned counsel for the intervenor has submitted that on the date of occurrence, the petitioners trespassed into the property of the defacto complainant's brother and caused damage to the properties therein worth about Rs.97,000/-. He further submitted that with regard to the above mentioned property, a suit was already filed by the petitioners and the same was dismissed. Against which, an appeal was filed and the same was also dismissed. Hence, he prayed to dismiss this petition.

4.The learned Government Advocate (Crl.Side) appearing for the respondent has adopted the arguments advanced by the learned counsel for the intervenor. Hence, he opposed this petition. However, he fairly conceded that the petitioners have no previous case.

5.Taking into consideration of the fact that already, the suit which was filed by the petitioners was dismissed and the appeal was also dismissed and also the submission made by the learned senior counsel for the petitioners that the petitioners are willing to deposit a sum of Rs.50,000/- without prejudice to their defence, this Court is inclined to grant anticipatory bail to the petitioners by imposing certain conditions.

6. 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 on condition that the petitioners shall each 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:



i) Before executing the bail bonds, the petitioners shall deposit a sum of Rs.50,000/- (Rupees fifty thousand only) to the credit of Cr.No.83 of 2019 before the learned Judicial Magistrate, Eraniel without prejudice to their defence before the trial court.

WEB COPY

(ii) If the petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(iii) the petitioners 1 to 8 shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter, as and when required before the respondent police for interrogation. Being a lady, the petitioner No.9 shall report before the respondent police as and when required before the respondent police for interrogation.

(iv) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(v) the petitioners shall not abscond either during investigation or trial.

(vi) On breach of any of the aforesaid conditions, 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 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].

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

sd/-
27/08/2019

/ TRUE COPY /

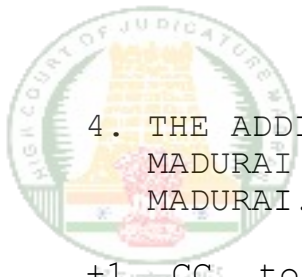
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE, ERANIEL.

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

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



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

+1 CC to M/s.C.SANKAR PRAKASH, Advocate (SR-14142[I] dated
28/08/2019)

+1 CC to M/s.T.MURUGAN, Advocate (SR-14239[I] dated 28/08/2019)

ORDER
IN
CRL OP(MD) No.11654 of 2019
Date :27/08/2019

VS
AE/JC/SAR-II (30.08.2019) 4P 7C