



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

Date : 22/01/2021

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.856 of 2021

1.V.Lazer
2.L.Legron
3.R.Lourdu Mary
4.L.Rejila
5.G.Maria Balan
6.V.Paul Raj

... Petitioners/Accused No.1 to 6

Vs

The State rep.by
The Inspector of Police,
Eraniel Police Station,
Kanyakumari District.
Crime No.17/2021

... Respondent/Complainant

For Petitioners: Mr.C.T.Perumal,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.17/2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as Accused No.1 to 6, apprehending arrest at the hands of the respondent police for the offences punishable under sections 147, 447, 294(b), 323, 506(i) and 379(NP) of IPC, in Crime No.17 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 10.01.2021, the petitioners and other accused persons attempted to change the boundaries of the land belongs to the wife of the defacto complainant and also trespassed into the land and constructing a compound wall. When the same was questioned by the defacto complainant, the petitioners said to have abused the defacto complainant by using filthy language, assaulted him with hands and



also snatched gold jewels of the defacto complainant weighing 9 sovereigns. Hence, the present complaint.

3. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl. Side) appearing for the respondent.

4. The learned counsel appearing for the petitioners submitted that the first petitioner is the owner of the subject land adjacent land of the defacto complainant's land. He further submitted that there is no pathway running from the land of the defacto complainant through the land of the first petitioner. He further submitted that in order to get a pathway the defacto complainant has filed a suit in O.S.No.1 of 2021 before the District Munsif Court, Eraniel, Kanyakumari District. He further submitted that it is a case in counter, earlier the petitioners have been attacked by the defacto complainants and hence, they have given a complaint against him and the same has been registered in Crime No.18 of 2021 for the offence under Sections 447, 294(b), 323 and 506(ii) of IPC and Section 4 of TNPHW Act. As a counter blast, the present complaint has been filed. Hence, he prayed for grant of anticipatory bail to the petitioners.

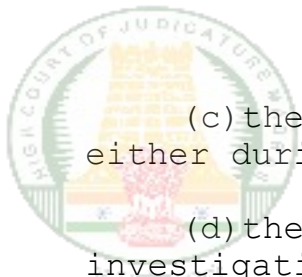
5. The learned Government Advocate (Crl. Side), appearing for the respondent police submitted that due to pathway dispute the occurrence said to have taken place.

6. Considering the facts and circumstances of the case and also considering the fact that due to pathway dispute, the occurrence said to have taken place and except assault, there is no other serious allegations against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the 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 to 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 <https://hservices.mca.gov.in/hservices/> and 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;

WEB COPY (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/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
22/01/2021

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/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

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

+1 CC to M/s.C.T.PERUMAL, Advocate (SR-444[I] dated 25/01/2021)

ORDER IN
CRL OP(MD) No.856 of 2021
Date :22/01/2021

VSG

<https://hcmv.cts.rajahmundry.gov.in/CaseDetails/2021/3P/6C>