



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

Date : 02/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.1306 of 2021

1. Hepsi @ Priyadarshine
2. Mahesh @ Mahesan ... Petitioners/Accused No.1 & 3

Vs

State Rep.by
The Inspector of Police,
Mandaikadu Police Station,
Kanyakumari District.
(Crime No.1 of 2021). ... Respondent/Complainant

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

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

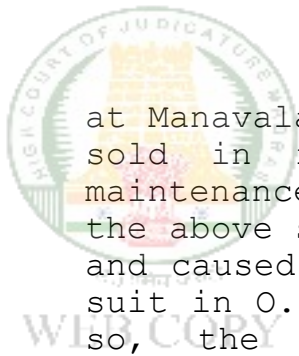
PRAYER :- For Anticipatory Bail in Crime No.1 of 2021 on the file of the Respondent police.

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, 447, 295, 427 and 379 (NP) IPC in Crime No.1 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner is the wife of the defacto complainant and the second petitioner is the brother of the first petitioner. There is a property dispute between the parties and due to which, the petitioners herein damaged the shed of the temple and taken away the hundi amount of Rs.36,000/-. Hence, the present complaint.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that due to some misunderstanding, the first petitioner and the defacto complainant were separated and a land in survey No.308/8B situated



at Manavalakurichi Village, Kalkulam Taluk, Kanyakumari District was sold in favour of the first petitioner, for the purpose of maintenance. Thereafter, the first petitioner is in possession of the above said property, however, the defacto complainant interfered and caused disturbance to the first petitioner. Hence, she filed a suit in O.S.No.4 of 2021 and the same is pending. While that being so, the defacto complainant lodged a complaint with false allegations. Hence, he prayed for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. Side), appearing for the respondent police submitted that investigation is pending.

5.Considering the above facts and circumstances of the case and considering the fact that it is a civil dispute, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.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 learned Judicial Magistrate Court, 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 appear before the respondent Police daily at 10.30 a.m., for a period of two weeks and thereafter, 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



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

sd/-
02/02/2021

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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,
MANDAIKADU POLICE STATION, KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.1306 of 2021
Date :02/02/2021

GNS
MS/VR/SAR-2/08.02.2021/3P.5C