



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/04/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP (MD) No.5332 of 2021

1.Jansi Rani,
2.John Vincent Alis Vishnu,
3.Jeba Malar Alias Malar Vizhi ... Petitioners/Accused 1,2 & 4

Vs

The State Represented by its
The Inspector of Police,
Karungal Police Station,
Kanyakumari District
Cr No.120/2021.

... Respondent/Complainant

Nevis Ammal

... Petitioner/Intervener
in CRL MP (MD) No.3277 of 2021

For Petitioner : M/s.Jeyakarthik.M.S.,
Advocate.
For Respondent : Mr.M.Ganesan,
Government Advocate (Crl.Side)
For Intervenor : MR.S.KAMESWARAN, Advocate.

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

PRAYER :-

For Anticipatory Bail in Crime No. 120 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 alleged offences punishable under Sections
147, 448, 427, 294(b), 323, 379 & 506(i) IPC in Crime No.120 of
2021, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant
is a retired Teacher and his son is a Doctor. The first petitioner
is the daughter-in-law of the defacto complainant. It appears that
there is a property dispute between both the parties. As a
consequence, on 31.03.2021 at about 12 noon, the petitioners along
with some rowdy elements had trespassed into the house of the



defacto complainant and caused damage to the property and also said to have stolen Rs.48,000/-, 25 sovereigns of gold jewels and also damaged CCTV camera and other electronics articles, worth about Rs.25,000/-. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution.

4.The learned counsel for the intervenor submitted that the petitioners along with other accused trespassed into the house of the defacto complainant and caused damage to the property and also said to have stolen Rs.48,000/-, 25 sovereigns of gold jewels and also damaged CCTV camera and other electronics articles, worth about Rs.25,000/-. He further submitted that if the petitioners granted anticipatory bail, they will again try to attack the defacto complainant and hence, he opposed this petition.

5.The learned Government Advocate(Crl.side) appearing for the respondent submitted that it is a case of property dispute and investigation is pending.

6.In the earlier hearing, the learned counsel for the petitioners undertook to file an affidavit and today, an affidavit is filed stating that the first petitioner will take legal action to get her share in the property and the petitioners will not take any illegal or unlawful means to get the disputed property from the possession of the defacto complainant.

7.In view of the affidavit filed by the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

8.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, Eraniyal on condition that the petitioner 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 respondent police daily at 10.30 am., until further orders.

[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]**.

[f]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
29.04.2021

/ TRUE COPY /

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

GNS

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

+1 CC to M/s.M.S.JEYAKARTHIK, Advocate (SR-3569[I] dated 30/04/2021)

ORDER
IN