



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/01/2022

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.17590 of 2021

J.Jenisha Singh

... Petitioner/3rd Accused

Vs

State rep.by
The Inspector of Police,
Karungal Police Station,
Kanyakumari District.
(Crime No.290/2021).

... Respondent/Complainant

For Petitioner : M/s.Herold Singh S.C., Advocate.

For Respondent : M/s.P.Kottaisamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory bail in Crime No.290 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

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

2.The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 447 and 379 IPC in Crime No.290 of 2021, seeks anticipatory bail.

3.The case of the prosecution is that the petitioner along with other accused went to the property of the defacto complainant and stolen the woods worth Rs.1,50,000/-. Hence,the complaint.

4.According to the learned counsel for the petitioner, there is only money transaction between the petitioner's father and the



defacto complainant and criminal colour has been given by filing the complaint. The petitioner's father had borrowed a sum of Rs.3,00,000/- from the defacto complainant, for which, instead of getting pronote, they have insisted the petitioner's father to create sale deed of a property worth about Rs.25,00,000/- and when the petitioner's father is ready to repay the amount and to clear the dues, this case has been foisted as against the petitioner. Hence, the petitioner's father filed a civil suit in O.S.No.152 of 2018, on the file of the Principal District Munsif Court, Padmanabhapuram against the defacto complainant.

5.The learned counsel for the petitioner submits that the petitioner is an innocent and she is in no way connected with the offence. He further submits that this is the second application filed by the petitioner seeking anticipatory bail and prayed for grant of anticipatory bail.

6.This Court, by earlier order dated 23.12.2021, granted interim anticipatory bail to the petitioner with a direction to appear before the respondent police and to co-operate with them to complete enquiry and also directed the respondent police to file a report.

7.The learned Government Advocate produced a report before this Court, stating that this petitioner has already sold the property in dispute to one Nelson on 13.02.2015 and now considering the hike in price, he is creating problem with the purchaser and also filed a civil suit. They also removed teak woods from the defacto complainant's land.

8.Considering the report filed by the respondent police and taking into consideration of the conduct of the petitioner and also the issue involved in this case is purely civil in nature, this Court is inclined to grant anticipatory bail to the petitioner.

9.Accordingly, this criminal original petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate Court, Eraniel, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only)each, with two sureties each for a like sum to the satisfaction of the learned Judge concerned and on further conditions that:

[a]the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before respondent police daily at 10.30 a.m., until further orders.

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

[c]the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[d]the petitioner 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 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]**.

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

Sd/-

04/01/2022

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

VRN

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 COURT,
ERANIEL.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT 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.HEROLD SINGH S.C. Advocate SR.No.82

ORDER

IN

CRL OP(MD) No.17590 of 2021

Date :04/01/2022