



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )  
Date : 31/10/2022

PRESENT

**The Hon`ble Mr.Justice G.ILANGO VAN**

CRL OP(MD). No.18776 of 2022

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Unacie Grana  
(Wrongly Mentioned in the Fir  
as Yuneci Kerena)

... Petitioner/Accused No.2

**Vs**

The State rep.by  
The Inspector of Police,  
Vijayanarayanam Police Station,  
Tirunelveli.  
(Crime No.43 of 2022).

... Respondent/Complainant

For Petitioner : M/s.LAJAPATHI ROY T, Advocate.

For Respondent : Mr.S.S.MADHAVAN,  
Government Advocate (Crl.Side)

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

**PRAYER :-** For Anticipatory Bail in Crime No.43 of 2022 on the file of the Respondent Police.

**ORDER :** The Court made the following order :-

The petitioner/Accused No.2, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 324, 506(ii) of IPC, in Crime No.43 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to the property dispute there was quarrel between the parties, due to which, the accused person assaulted the defacto complainant parties. Hence, the complaint.

3.The earlier application was dismissed so far this petitioner is concerned on the ground that she is having bad antecedents and three previous cases at her credit. Now this is second anticipatory application that has been filed by this petitioner on the ground that it is a dispute between two family members over the Administration of a School. Apart from that there is a dispute between them over a property also. The husband of the petitioner namely Kipson was the only son of his father. His father's brother have three children. The property was divided into three portions and the defacto complainant had 1/3 share. But the first accused was having 1/2 share. Over the above said issue there was frequent trouble between them.



4. On the particular date of occurrence, only the defacto complainant party attacked the accused party and caused severe injury. In the above said occurrence, the husband of this petitioner was grievously injured and got admitted in the hospital. Over the above said occurrence, case in counter case has been registered. So according to him, since both side got injured in the case in counter, the petitioner is entitled for anticipatory bail, even though previous case has been registered against him.

5. In respect of the previous cases, the counsel for the petitioner would submit that so far as the Crime No.125 of 2010 is concerned, so far final report has not been filed and the offences are also punishable below three years. So by this time, the above said crime ought to have barred by limitation. The above said complaint was also given by one Jesuraj, who is the son of Susilabai. With regard to the appointment of this petitioner in the above said School there was continuous trouble between them. For which, writ petition, writ appeal and contempt petitions have been filed before this Court. According to the learned counsel for the petitioner, after the above said issue only, there is a continuous trouble between them. So far the crime number 79 of 2011 is concerned, the complaint was given by Susilabai, the mother of Jesuraj, as if she was assaulted by this petitioner. Whether final report has been filed or not is not clear on record. Now 11 years have been lapsed. According to him, that crime would also been barred by limitation now.

6. So far as this occurrence is concerned, it is a case in counter case and only the husband of the petitioner was grievously injured and admitted in the hospital, later discharged. Similarly, the injured in this crime number has also been discharged from the hospital and as per the FIR, the injured suffered simple injury because of the alleged assault made by this petitioner.

7. Considering the fact that there was a continuous trouble between the two family members over the property issue and as well as the administration of the School, this Court is inclined to grant anticipatory bail to the petitioner with conditions.

8. Accordingly, this Criminal Original Petition is allowed and petitioner is ordered to be released on bail in the event of arrest or on her appearance, before the learned Judicial Magistrate, Nanguneri, Tirunelveli District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and (\*) **the petitioner shall appear before the respondent police daily at 06.30 P.m. until further orders.** The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.



9. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

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sd/-  
31/10/2022

(\*) MODIFIED as per order of this Court dated 22/11/2022 in CRL MP(MD) No.14371/2022 in CRL OP(MD) No.18776/2022.

The other conditions passed in the order dated 31.10.2022 in Cr1.OP(MD) No.18776 of 2022, remain unaltered.

/ TRUE COPY /

/11/2022  
Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

TO

**TO BE SUBSTITUTED WITH THE ORDER DATED 31/10/2022 ALREADY DESPATCHED.**

- 1 THE JUDICIAL MAGISTRATE,  
NANGUNERI, TIRUNELVELI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE,  
VIJAYANARAYANAM POLICE STATION, TIRUNELVELI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.LAJAPATHI ROY.T Advocate SR.No.13509, DT: 23.11.2022.

**ORDER IN**

CRL OP(MD) No.18776 of 2022  
Date :31/10/2022

TM  
SA/SBN/SAR.2/04.11.2022/3P/6C  
dss  
USK/SSS/SAR-II/30.11.2022/3P/6C