



CRL OP(MD). No.11709 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/08/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

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1. Shaji

2. Sutharani Reethammal, ... Petitioners/ Accused Nos.2&3

Vs

The Inspector of Police,
Puthukadai Police Station,
Kanyakumari District
(Crime No 227 of 2024).

... Respondent/Complainant

Fr.Jees Raymond

... Intervener in Crl.MP(MD)No.8002 of 2024

For Petitioners :Mr. Ananth C Rajesh,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

For Intervener : Mr.S.Sivakumar,
Advocate.



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PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS
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PRAYER :-

For Anticipatory Bail in Crime No 227 of 2024 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioners/ A2 & A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 120(b), 465, 468, 471, 420 & 34 of IPC in Crime No.227 of 2024, seek anticipatory bail.

2.The case of the prosecution is that the petitioners herein are the husband and wife. As the representative of the Church, the defacto complainant constructed a house and gifted the same to the petitioners. However, the petitioners have been created bogus documents as if they had title. Hence, the complaint.

3.Heard both sides.

4.The learned counsel for the Intervener opposes the petition on the ground that there is no title at all and the bogus documents have been created as if the



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petitioners had title. Thereby, they cheated the diocese.

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5.Considering the nature of the allegations that the diocese initially gave only permissive occupation, but, however, the petitioners are treating it as if it is their own and dealing with the property, and also considering the fact that civil litigations are pending between the parties from the year 2019 onwards, 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 their arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.2, Kuzhithurai, 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 learned Magistrate concerned and on further conditions 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 daily at 10.30 am for a period of four weeks and thereafter, as and when required for interrogation;

(c)the petitioners shall not tamper with evidence or witness either during



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investigation or trial;

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(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]*; and;

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

Sd/-

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Sub-Assistant Registrar

(C.S.I / II / III / IV)

Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

TO

1. The Judicial Magistrate No.2,
Kuzhithurai, Kanyakumari District..



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2. Do-Through The Chief Judicial Magistrate,
Kanyakumari District at Nagercoil.

3. The Inspector of Police,
Puthukadai Police Station, Kanyakumari District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.ANANTH C.RAJESH, Advocate (SR-9971[I] dated 14/08/2024)

ORDER

IN

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Date : 14/08/2024

RD/SKN (27/08/2024) 5P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.