



CRL OP(MD) No.23387 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Tuesday, the Second day of January Two Thousand and Twenty Four
PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.23387 of 2023

G.ROBITSON @ ROBIN

... PETITIONER / ACCUSED No.3

Vs

THE INSPECTOR OF POLICE
VADASERI POLICE STATION,
KANYAKUMARI DISTRICT,
IN CRIME NO.66/2023.

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.R.PONKARTHIKEYAN Advocate

For Respondent : Mr.P.KOTTAICHAMY, Govt. Advocate (CrI. Side)

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

PRAYER:

FOR ANTICIPATORY BAIL IN CRIME NO.66/2023 ON THE FILE OF THE
RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner / Accused No.3, who apprehends arrest at the hands of
the respondent police for the alleged offence punishable under Sections 147, 148,
294(b), 323, 427 and 506(ii) of I.P.C., in Crime No.66 of 2023, on the file of the
respondent Police, seeks anticipatory bail.



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2. The case of the prosecution is that due to civil dispute between the petitioner and the *defacto* complainant, the petitioner abused the *defacto* complainant with filthy language and assaulted him with aruval and threatened him with dire consequences. Hence the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner has purchased the property from Accused No.1, in which, the *defacto* complainant obtained leasehold right from the Accused No.1 and subsequent to the purchase, there was a tussle between the original owner and the *defacto* complainant. Thereby, a false case was registered against the petitioner and hence, he prays for anticipatory bail. The learned counsel appearing for the petitioner would further submit that for the very same complaint, already the *defacto* complainant has approached the Civil Court and the Civil Court refused to grant interim injunction and in order to wreck vengeance, a case has been registered against the petitioner and thereby, he prays for anticipatory bail.

4. The learned Government Advocate (Criminal Side) would submit that already the petitioner has approached this Court in CrI.O.P.(MD).No.11789 of 2023 and the same was dismissed as withdrawn on 30.06.2023. He would further submit that it is a property dispute between the petitioner and the *defacto* complaint and subsequent to purchase, the accused demolished the property and accordingly, he



vehemently opposed for grant of anticipatory bail to the petitioner.

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5. Considering the facts and circumstances of the case, it is purely a property dispute between the petitioner and the *defacto* complainant and considering the fact that the *defacto* complainant has already approached the Civil Court as against the petitioner, I am inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is granted anticipatory bail and he is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the **learned Judicial Magistrate No.II, Nagercoil**, 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 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)if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b)the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or



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Bank pass Book to ensure their identity;

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(c)the petitioner shall report before the respondent police as and when required for interrogation;

(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioner shall not abscond either during investigation or trial;

(f)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;

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

sd/-

02/01/2024

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/01/2024

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

TSG



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TO
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- 1 THE JUDICIAL MAGISTRATE NO.II
NAGERCOIL.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE INSPECTOR OF POLICE
VADASERI POLICE STATION, KANYAKUMARI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.R.PON KARTHIKEYAN, Advocate (SR-4[I] dated 02/01/2024)

ORDER
IN

CRL OP(MD) No.23387 of 2023

Date :02/01/2024

SS/VR/SAR- /05/01/2024/5P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023