



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Twenty Second day of January Two Thousand Fifteen

PRESENT

WEB COPY

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.1012 of 2015

1 G.WILSON
2 K.MAIDEEN PITCHAI
3 G.MADASAMY
4 P.SOORIMUTHU
5 A.VICTOR SELVARAJ
6 G.ARUNOTHAYA SELVI ... PETITIONERS/ACCUSED 1 TO 6

Vs

STATE REP BY THE INSPECTOR OF POLICE
PULIANGUDI POLICE STATION,
TIRUNELVELI DISTRICT.
CR.NO. 480/2014. ... RESPONDENT/COMPLAINANT

For Petitioner : M/S.K.N.GOVARDHANAN Advocate
For Respondent : MR.A.P.BALASUBRAMANI Govt. Advocate (Crl. Side)

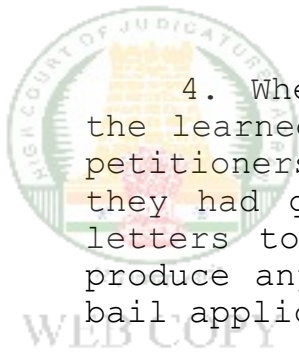
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 109, 147, 448, 353, 506(i), 341, 384 I.P.C in Crime No.480 of 2014 on the file of the respondent police, seek anticipatory bail.

2.This is a second anticipatory bail application and the first anticipatory bail application in Crl.O.P(MD)No.20025 of 2014, was dismissed as withdrawn on 20.11.2014. Because this Court had directed the petitioners to produce consent letters and the petitioners did not comply with the orders of this Court.

3.The case of the prosecution is that Arunothaya Selvi(A6) in this case was working as a Teacher in the defacto complainant school and there was a dispute between the management of the school and the sixth petitioner. On account of this, her salaries were allegedly not paid by the management. In this regard, it is alleged that the petitioners 1 to 4 claimed themselves to be members of Human Rights Organisation, have gone into the defacto complainant school and threatened the Headmaster and other management staff.



4. When the first anticipatory bail application was heard by the learned single judge of this Court, the learned Judge asked the petitioners 1 to 4 as to what authority under which they had gone to the school and directed them to produce consent letters to show their bonafide. The petitioners 1 to 4 did not produce any consent letters and sought to withdraw the anticipatory bail application.

5. On 19.11.2014 this Court passed the following order:

"At request of the learned counsel for the petitioners, post on 20.11.2014 for production of the consent letters, which are said to have been given by the Legal Advisers."

6. Again on 20.11.2014, this Court passed the following order:

"Inspite of the direction given by this Court, the petitioners are not complied the earlier order."

In view of the endorsement made by the learned counsel for the petitioner, this petition is dismissed as withdrawn."

7. Thus it is seen that the petitioners 1 to 4 are self proclaimed Human Rights Activists. In that banner, they are indulging in several unlawful activities and another learned single Judge has taken cognizance of the case and issued a direction to the police to look into the affairs of such self proclaimed Human Rights Activists.

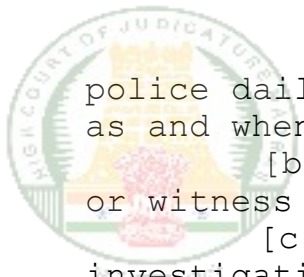
8. Since the allegations against the petitioners 1 to 4 are serious, I am not inclined to grant anticipatory bail to them, inasmuch they failed to comply with the orders passed by this Court in CrI.O.P(MD)No.20025 of 2014 stated supra.

9. As regards Victor Selvaraj(A5) and Arunothaya Selvi(A6), they are husband and life and Arunothaya Selvi appears to be having some service dispute with her employer and so custodial interrogation of these two petitioners may not be required in view of the nature of the allegations against them.

12. In the above said circumstances, I am inclined to grant anticipatory bail to the petitioners 5 and 6. Accordingly, the petitioners 5 and 6 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, Sivagiri, on condition that the petitioners 5 and 6 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:

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

[a] the petitioners 5 and 6 shall report before the respondent



police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

[b] the petitioners 5 and 6 shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners 5 and 6 shall not abscond either during investigation or trial.

[d] 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 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]**.

This Criminal Original Petition is dismissed as against the petitioners 1 to 4/A-1 to A-4.

sd/-

22/01/2015

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

TO

- 1 THE JUDICIAL MAGISTRATE,,SIVAGIRI
- 2 THE CHIEF JUDICIAL MAGISTRATE,TIRUNELVELI
- 3 THE INSPECTOR OF POLICE,PULIANGUDI POLICE STATION, TIRUNELVELI
- 4 THE ADDL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.K.N.GOVARDHANAN Advocate SR.No.3354

ORDER

IN

CRL OP(MD) No.1012 of 2015

Date :22/01/2015

AA/29.01.2015/3p- 6c/