



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

Tuesday, the Twenty Fifth day of August Two Thousand Fifteen

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PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.10296 of 2015

RAMABARATHI

..PETITIONER/ACCUSED NO.1

Vs.

THE STATE REP.BY
THE SUB INSPECTOR OF POLICE
CENTRAL CRIME BRANCH POLICE STATION,
MADURAI. CRIME NO.81 OF 2014

... RESPONDENT/COMPLAINANT

K.MATHAN

..INTERVENOR

For Petitioner : M/S.L.MADHUSUDHANAN Advocate

For Respondent : MRS.S.PRABHA,
Govt. Advocate (Crl. Side)

For Intervenor : MR.T.S.R.VENKATRAMANA, Advocate

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as A1 apprehends arrest at the hands of the respondent police for the alleged offences punishable under sections 406, 409, 420, 494(b) and 506(ii) of IPC, in Crime No.81 of 2014 on the file of the respondent police and hence, seeks anticipatory bail.

2.According to the de-facto complainant, that with the financial assistance of the Union Government, the Madurai Corporation constructed a crematorium and handed over to the Rotary Club of Madurai Mid Town for maintenance. While the accused was functioning as President, by fabricating accounts swindled Rs.25,00,000/- and also threatened the de-facto complainant, when it was questioned.

3.The learned counsel for the petitioner submitted that the petitioner is the founder Chairman of the RMMC trust, which was formed to maintain the crematorium and before formation of the trust, the accused and the de-facto complainant were working together and at one point of time, dispute arose between them and the de-facto complainant was defeated in the election conducted for Chairmanship of the trust and therefore, a false complaint was given against the petitioner.

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

4.It is further submitted that the accused was maintaining accounts properly and in respect of the dispute, a civil suit in



O.S.No.317 of 2014 is pending on the file of the Additional District Munsif, Madurai and the entire evidence are borne out from the records and therefore, custodial interrogation of the petitioner is not at all necessary. It is further submitted that the petitioner is a practising advocate and he is ready to comply with any condition, that may be imposed by this court.

5.The learned counsel for the petitioner further submitted that this complaint was given to wreck vengeance against the petitioner; that the de-facto complainant pick holes from the documents purchased by the accused; that the accused cannot be compelled to give evidence against him and that the de-facto complainant has adopted pressurising tactics to register the case against the petitioner by filing CrI.O.P(MD)No.19942 of 2014 seeking for a direction to monitor the case, till the case attains finality and also filed an application to intervene in this case for anticipatory bail. The learned counsel for the petitioner has also filed typed set of papers containing the FIR in crime No.184 of 2014 and the plaint filed in O.S.No.317 of 2014.

6.Per contra, Mr.T.S.R.Venkataramana, learned counsel appearing for the intervenor submitted that when the petitioner/A1, who was functioning as President of the trust, committed illegal activities and committed fraud by fabricating documents and swindled huge amount. It is further submitted that as per the agreement between the Corporation of Madurai and the Rotary Club of Madurai Mid Town, the Rotary Club has to charge totally Rs.1,350/- to burn a dead body, which includes fee for transportation of the body to the crematorium and in the year 2013-2014 as per the records of the Madurai Corporation, 3337 bodies have been burned in the crematorium run by the rotary club, however, the accused had given statement stating that 2185 bodies were burned. Further, the accused had collected Rs.600/- for transportation of a body to the crematorium and thereby, cheated more than one crore. Taking into consideration of the serious allegations and perusal of records produced by the de-facto complainant, the learned Principal Sessions Judge, Madurai has dismissed the application filed by the petitioner in CrI.M.P.No.5742 of 2014, dated 21.11.2014. Since, the petitioner has committed grave offence, he is not entitled for anticipatory bail.

7.The learned counsel for the intervenor has also produced the typed set of papers containing the receipt issued by Anjali for collecting Rs.600/- for transportation of the body to the crematorium, the statement obtained from the corporation of Madurai and the balance sheet of the Trust.

8.The learned Government Advocate (Criminal side) has filed a counter affidavit opposing grant of anticipatory bail to the petitioner and also contended that the investigation is at the initial stage and to unearth the truth, custodial interrogation of the petitioner is very much necessary.

9.It is seen that the petitioner has filed the suit against the de-facto complainant for bare injunction and that is nothing to do with the allegations made in the criminal complaint. Considering the serious allegations made against the petitioner and gravity of the



offence, this court is of the view that the petitioner is not entitled for anticipatory bail. Hence, the this petition is dismissed.

sd/-
25/08/2015

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Sub-Assistant Registrar

TO

1 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

2 THE SUB INSPECTOR OF POLICE
CENTRAL CRIME BRANCH POLICE STATION, MADURAI.

+1cc to M/S.L.MADHUSUDHANAN Advocate SR.No.48935
+1cc to M/S.T.S.R.VENKATRAMANA, Advocate Sr.No.48988

akm/01.09.2015 /3p-5c/

ORDER
IN
CRL OP(MD) No.10296 of 2015
Date :25/08/2015