



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

Wednesday, the Eleventh day of February Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.1459 of 2015

1 DHASON
2 CHANDRAN
3 PADMINI @ KALAIMANI SELVARAJ
4 STEPHEN ... PETITIONERS / ACCUSED NO.3,4,5 & 7

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
KOLLENCODE POLICE STATION, KANYAKUMARI DIST,
CR.NO.169/2013 ... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.S. AJIKUMAR Advocate

For Respondent : MR.A.P.BALASUBRAMANIAN, 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 offences punishable under Sections 147, 148 and 379 of IPC in Cr.No.169 of 2013 on the file of the respondent police, seek anticipatory bail.

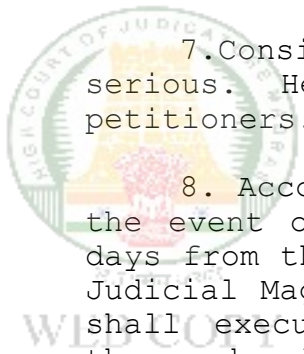
2.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side).

3.Perused the First Information Report and the confession statement given by the co-accused, who was arrested.

4.The case of the petitioners is that the defacto complainant is an advocate and also a L.I.C Agent. From the year 2008, the defacto complainant had collected money from several villagers under the guise of paying the same in the L.I.C. But, in stead of paying those amounts to L.I.C, he misappropriated the same and in this regard, several complaints have been given against the defacto complainant. But, till date no action has been taken against him.

5.Now, it is alleged by the defacto complainant that these petitioners along with others entered into his house and had taken away the doors and windows of the house, in the absence of the defacto complainant.

6.It is seen that out of sheer frustration that the money which was defalcatd by the defacto complainant could not be recovered, the people in the house seem to have broken the doors and windows of the house of the defacto complainant.



7. Considering the nature of the allegations, they are not very serious. Hence, this Court is inclined to grant anticipatory bail to the petitioners.

8. Accordingly, the petitioners 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 No.II, Kuzhithurai, on condition that the petitioners shall execute a separate 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] the petitioners shall report before the respondent police as and when required for interrogation.

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

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

[d] On breach of any of the aforesaid conditions, the learned Judicial 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 Judicial 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]**.

sd/-
11/02/2015

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.II, KUZHITHURAI.

2. DO THRO THE CHEIF JUDICIAL MAGISTRATE, KANYAKUMARI AT NAGARCOIL.

3. THE ADDL. PUBLIC PROSECUTOR,
MADURAI BECNH OF MADRAS HIGH COURT, MADURAI.

4. THE INSPECTOR OF POLICE
KOLLENCODE POLICE STATION, KANYAKUMARI DIST

+1. CC to M/S.S. AJIKUMAR Advocate SR.No.

ORDER
IN
CRL OP(MD) No.1459 of 2015
Date :11/02/2015