



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Monday, the Twelfth day of January Two Thousand Fifteen
PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.15581 of 2014

WEB COPY

1 P. SELVAM
2 N. KARIKALA PRABHU
3 K. MURUGESAN ... PETITIONERS/ACCUSED RANK NOT KNOWN

M.UDHAYASURIYAN ... INTERVENER

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE
CITY CRIME BRANCH,
MADURAI,
CRIME NO.NOT KNOWN OF 2014 ... RESPONDENT/COMPLAINANT

For Petitioner : M/S.K.SUDALAIYANDI Advocate

For Respondent : Mr.A.P.BALASUBRAMANI,
Govt. Advocate (Crl. Side)

For Intervener : MR.R.M.ANBU NITHI, Advocate

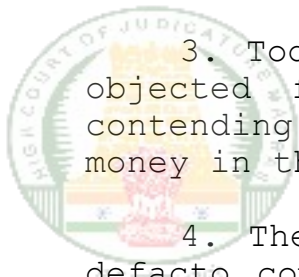
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

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 Section 420 IPC in Crime No. not known of 2014 on the file of the respondent police, seek anticipatory bail.

2. On 08.01.2015, this Court has passed the following order:

"It is seen that no regular case has been registered and only a petition enquiry is pending. The matter was referred to the Mediation and Conciliation centre and the Mediation and Conciliation centre sent a failure report on 12.12.2014. Today, the learned Government Advocate(Crl.Side) produced a copy of the complaint. On a reading of the complaint it is seen that the defacto complainant and these petitioners had entered into a partnership in the year 2002 and had started a firm by name Mahalakshmi Traders dealing with cigarettes and beedis and other stationary items. Even in the complaint, it is stated that there is a dispute among the partners. At this juncture, the learned Counsel for the intervenor submitted that his senior wants to make submissions on 12.01.2015. Post "for orders" on 12.01.2015 finally."



3. Today, the learned Counsel for the intervenor very strongly objected for granting anticipatory bail to the petitioners by contending that the defacto complainant has invested his hard earned money in the partnership firm.

4. The learned Counsel for the petitioners submitted that the defacto complainant has filed a suit in O.S.No.204 of 2014 against these accused for claiming a sum of Rs.34Lakhs.

5. Heard the learned Government Advocate(Crl.Side).

6. Under the above said circumstances, this Court is of the opinion that this is being a partnership dispute, it is essentially civil in nature and the power of police should not be used to abuse the process of law. Hence, this Court is inclined to grant Anticipatory Bail to the petitioners.

7. 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.I, Madurai on condition that each of 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] 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/-

12/01/2015

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO.I MADURAI

2 -DO-THRO'THE CHIEF JUDICIAL MAGISTRATE MADURAI

3 THE INSPECTOR OF POLICE CITY CRIME BRANCH, MADURAI,

4 THE ADDL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.K.SUDALAIYANDI Advocate SR.No.1864

+1. CC to M/S.R.M.ANBU NITHI, Advocate SR.No.1736

ORDER

IN

CRL OP(MD) No.15581 of 2014

Date :12/01/2015

NA/19/01/2015/P2/7C