



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

Monday, the Ninth day of February Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.15872 of 2014

1 SATHISKUMAR @ SARAVANAN
2 SINDHUJA
3 MURUGAN

... PETITIONER(S) / ACCUSED 1 to 3

Vs

THE STATE REP. BY THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, RAMANATHAPURAM.
CR.NO. 35 OF 2014.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.R. JEGADEESWARAN Advocate

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

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

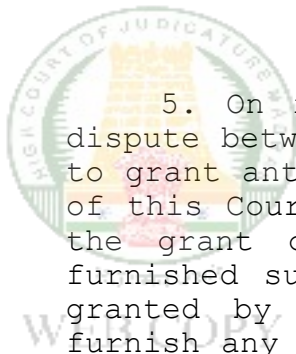
ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 406, 408 and 420 IPC in Crime No.35 of 2014 on the file of the respondent police, seek anticipatory bail.

2. Heard the learned counsel for the petitioners, the learned counsel for the Intervenor and the learned Government Advocate (Crl.Side) appearing for the State. The Investigating Officer is also present.

3. Learned counsel for the Intervenor strongly opposed to the grant of anticipatory bail to these petitioners.

4. This matter was initially referred to the Mediation Centre and a failure report dated 02.09.2014 has been received from the Mediation Centre. This case has been registered pursuant to the direction issued under Section 156(3) Cr.P.C. by the learned Judicial Magistrate No.II, Ramanathapuram. The case of the prosecution is that the defacto complainant and the petitioners entered into a Memorandum of Understanding on 08.05.2012 for starting a business in the name of Air Magic for providing internet service to various subscribers. According to the defacto complainant, no such business was started, but whereas according to the petitioners, business was started and several towers were also erected.



5. On reading of the complaint, it prima facie appears to a civil dispute between two partners. Under such circumstances, this is a fit case to grant anticipatory bail to the petitioners. It is brought to the notice of this Court by the learned counsel for the petitioners that pursuant to the grant of interim anticipatory bail, the petitioners have already furnished sureties. If that is so, the interim anticipatory bail already granted by this Court is made absolute and the petitioners need not furnish any fresh sureties. However, the 1st petitioner shall report before the respondent police daily at 10:30 a.m. for a period of two weeks and thereafter as and when required and the petitioners 2 and 3 shall report before the respondent police as and when required for interrogation and on further condition that:

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

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

[c] 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]**.

sd/-
09/02/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

- 1 THE JUDICIAL MAGISTRATE NO.II, RAMANATHAPURAM.
- 2 -Do- Through THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM.
- 3 THE ADDL.PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, RAMANATHAPURAM.
- 5 THE COORDINATOR,
MEDIATION AND CONCILIATION CENTRE, MADURAI
BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.R. JEGADEESWARAN Advocate SR.No.5974.

TS/11.02.2015/2P-7C