



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

Wednesday, the Twenty Third day of September Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.17075 of 2015

1 S. DORAI MANI
2 DR.V.R. LAKSHMI NARAYANAN
3 T.M. THEAGRARAJAN
4 P. NATARAJAN
5 V.MANI
6 R.S TAMILSELVAN
7 DR.V.RAMESH
8 M.MAHAVEER JAIN

... PETITIONERS/ ACCUSED NOS.3 TO 10

SUSEELA RANGARAJAN

...INTERVENER

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
FORT POLICE STATION
TIRUCHIRAPALLI
CRIME NO.1368 OF 2012

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S M.SURESH KUMAR Advocate

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

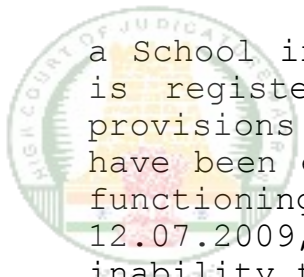
For Intervener : M/S.V.PANNEER SELVAM, ADVOCATE

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused Nos.3 to 10, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 468 and 420 of IPC, in Crime No.1368 of 2012 on the file of the respondent police and hence, seek anticipatory bail.

2.According to the defacto complainant, the accused had convened a meeting on 12.07.2009 by producing a fake letter of N.Srinivasan, dated 08.07.2009 and also forged the signature of the defacto complainant for removal of the Board members and thereby they are committed the offence.



a School in the name of E.R.Higher Secondary School and the Society is registered under the Societies Registration Act. As per the provisions of law, the President and Board of Members of the Society have been elected once in three years. One Mr.N.Srinivasan, who was functioning as a President, could not able to attend the meeting on 12.07.2009, so he gave a letter, dated 08.07.2009 expressing his inability to attend the meeting on 12.07.2009.

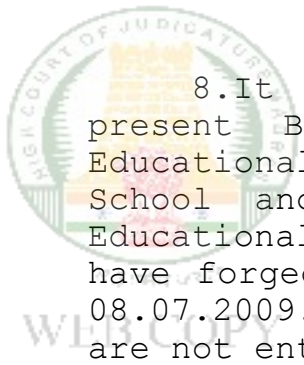
WEB COPY

4.The learned counsel for the petitioners further submitted that in the meeting on 12.07.2009 the said N.Srinivasan was re-elected as President of the said Society and the previous Board Members were removed and new members were inducted. Thereafter, the Society was functioning till 2012 for a period of three years and in the meanwhile, some disputes arose between the President and other Board members. Therefore, Civil suits and other proceedings were initiated before the Registrar of Societies and the District Educational Officer. Since the said N.Srinivasan has disputed his signature in the letter, dated 08.07.2009, the District Educational Officer has sent a Xerox copy of the letter along with other documents to Forensic Science Department to get the opinion of the handwriting expert and on the basis of the report, the present complaint was filed in the year 2012.

5.The learned counsel for the petitioners submitted that the expert opinion obtained by the District Elementary Officer cannot be relied on for the simple reason that the opinion was given based on the Xerox copies of the documents. It is further contended that admittedly, N.Srinivasan has been attending the meeting of the Society from 2009 to 2012 and the present complaint was given with an ulterior motive. It is further submitted that originally a case was registered against the accused Nos.1 and 2, who were already granted anticipatory bail by this Court in the year 2012 itself and thereafter, the first accused died.

6.Per contra, the learned counsel for the intervenor vehemently opposed the granting of anticipatory bail to the petitioners, contending that the Society called as Edayathumangalam Rangasamy Iyer Higher Secondary School Society was started by one Rangasamy Iyer in the year 1900 and after his demise, his son E.R.Nataraja Iyer and his sons N.Rangarajan, a retired IAS Officer, N.Gopalan, General Manager, Northern Railways, N.Srinivasan, Scientist in ISRO, Bangalore administered the said Society.

7.The learned counsel submitted that the Society was run by the family members of the said Rangasamy Iyer. The first accused, who was working as HeadMaster in the said School taking advantage of the fact that they are residing far away from the place, created letter as if N.Srinivasan issued it authorising one Lakshmi Narayanan to convene a meeting on 12.07.2009 and also removed all the family members of the said Nataraja Iyer and inducted totally strangers as the members of the Society. The defacto complainant, who is the wife of Rangasamy Iyer, did not attend the meeting held on 12.07.2009, but her signature was also forged by the accused.



8.It is further submitted that due to the mismanagement of present Board members and the President, now the District Educational Officer is making direct payment to the Staffs of the School and that the expert opinion obtained by the District Educational Officer would categorically establish that the accused have forged the signature of the N.Srinivasan in the letter, dated 08.07.2009. Since the accused have committed grave offences, they are not entitled to anticipatory bail.

9.Heard the learned Government Advocate (Crl.side) appearing for the respondent.

10.Considering the above facts, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.I, Tiruchirappalli and on each of them executing 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 learned Magistrate concerned and on further condition that the petitioners shall appear before the respondent police daily at 10.00 a.m., until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

11. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
23/09/2015

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, TIRUCHIRAPPALLI.
- 2 THE CHIEF JUDICIAL MAGISTRATE, TIRUCHIRAPPALLI.
- 3 THE ADDL. PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE INSPECTOR OF POLICE, FORT POLICE STATION, TIRUCHIRAPPALLI

+1. CC to M/S M.SURESH KUMAR Advocate SR.No.56530
+1CC TO M/S.C.S.ASSOCIATES ADVOCATE SR NO.56538

ORDER
IN
CRL OP(MD) No.17075 of 2015
Date : 23/09/2015