



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

Wednesday, the Twenty Eighth day of January Two Thousand Fifteen
PRESENT

The Hon`ble Mr.Justice P.N.PRAKASH

CRL OP(MD) No.18027 of 2014

WEB COPY

1 PERUMAL
2 SUDALAIKAN @ KANNAN
3 MADASAMY

... PETITIONERS/ACCUSED 1 TO 3

Vs

STATE.REP.BY
THE INSPECTOR OF POLICE
PANAKKUDI POLICE STATION,
TIRUNELVELI DIST,
CR.NO.306/2014

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.D.BALAMURUGAPANDI Advocate

For Respondent : MR.A.P.BALASUBRAMANI, 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 170, 406, 420, 447 and 506(ii) IPC in Crime No.306 of 2014, seek anticipatory bail.

2.Heard the learned counsel for the petitioners, and the learned Government Advocate (criminal side) appearing for the State.

3.This case has been registered pursuant to the direction of this Court under Section 482 Cr.P.C.

4.The case of the prosecution is that the first petitioner/A1 represented to the defacto complainant that he has got contacts in ISRO and had promised the defacto complainant that he will get a contract for him. On that assurance, it is alleged by the defacto complainant that he paid a sum of Rs.6.5 lakhs to these petitioners. It is also alleged by the defacto complainant that these petitioners neither got the contract as assured nor returned the money.

5.This Court carefully perused the Case Diary in this case and found that the defacto complainant had initially lodged a complaint before the Panakkudi Police Station against the petitioners herein in which he has stated that these petitioners were working under him and they had taken away some of his properties. It is seen that the first petitioner/A1 appeared before the respondent Police and gave a detailed statement, wherein he has stated that he was working under the defacto complainant as a Technician and the defacto complainant and his wife learnt all the nuances of the trade and they were not paying him salary. Therefore, the first petitioner left the company of the defacto complainant, along



with the petitioners 2 & 3 and started his own rival company. Aggrived by this, the second complaint has been preferred and the case has been registered pursuant to the Court direction. Thus, this complaint appears to coerce the petitioners to close their rival business.

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6. Under such circumstances, I am inclined to grant anticipatory bail to the petitioners. 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, Valliyoor, Tirunelveli District, on condition that each 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 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/-

28/01/2015

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

TO

1 THE JUDICIAL MAGISTRATE,
VALLIYOOR, TIRUNELVELI DISTRICT.

2 DO-THRO' THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

3 THE INSPECTOR OF POLICE
PANAKKUDI POLICE STATION, TIRUNELVELI DIST,

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

+1. CC to M/S.D.BALAMURUGAPANDI Advocate SR.No.3861

ORDER

IN

CRL OP(MD) No.18027 of 2014

Date :28/01/2015