



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

Thursday, the Twelfth day of February Two Thousand Fifteen

PRESENT

THE HON`BLE MR JUSTICE P.N.PRAKASH

CRL OP(MD) No.18620 of 2014

S. SOMASUNDARAM

... PETITIONER/ACCUSED-1

Vs

THE INSPECTOR OF POLICE

DISTRICT CRIME BRANCH, NAGERCOIL,

KANYAKUMARI DISTRICT. CRIME NO.66/2014 ... RESPONDENT/COMPLAINANT

For Petitioner : M/S.B.WILLIAM Advocate

For Respondent : MR.C.RAMESH, Govt. Advocate (Crl. Side)

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

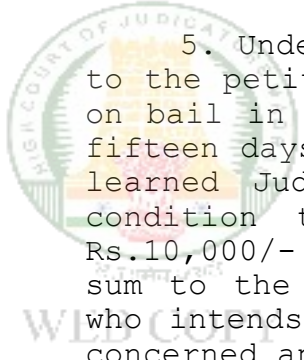
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 120(B), 485, 471, 420, 294(b) and 506(i) IPC in Crime No.66 of 2014 on the file of the respondent police, seeks anticipatory bail.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the State.

3. Initially, this matter was referred to the Mediation Centre and a failure report dated 14.11.2014 has been received from the Mediation Centre. The case of the prosecution is that he is the Chairman of Rajakkamangalam Benefit Funds Limited, which is a company incorporated under the Companies Act and is into the finance business. According to the defacto complainant, this petitioner was the Director in the said Benefit Fund at the time of its inception in the year 1996 and he resigned in the year 2001 and has got a job as Lecturer in a College. At the time of his resignation, the petitioner requested his wife to continue as Director in his place in order to help the company in getting back loans that were advanced to various persons on the recommendation of the petitioner. It is stated that the petitioner's wife by name Jeya Padma was inducted as Director and she continued there till 2003 and thereafter, she also resigned from the company. Now, it is alleged by the defacto complainant that some of the loans that were sanctioned by this petitioner have become dead and the loanees are not properly returning the amount.

4. The fact remains that when the company gives loan, it will definitely obtain promissory notes and other documents. If there is any default in payment, the company will proceed against the defaulters in accordance with law. The Director, who had already resigned from the company and whose resignation was also accepted and Form-32 has been filed with the Registrar of Companies, cannot be made personally liable for the said loan.



5. Under such circumstances, I am inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his 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, Nagercoil, Kanyakumari District, on condition that 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 petitioner shall report before the respondent police as and when required for interrogation.

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

[c] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/-
12/02/2015

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.I,
NAGERCOIL, KANYAKUMARI DISTRICT.
2. -DO- THRO THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI AT NAGERCOIL.
3. THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, NAGERCOIL,
KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.B.WILLIAM Advocate SR.No. 6672

SR : 16.02.2015 : 2P/6C

ORDER
IN
CRL OP(MD) No.18620 of 2014
Date :12/02/2015