



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.18644 of 2014

1 M.SUBRAMANIAN
2 N.KANNAN
3 G.SEETHARAMAN
4 W.CHIRSTRAJ

..PETITIONERS/ACCUSED 1 TO 4

Vs.

STATE REP.BY THE INSPECTOR OF POLICE
CITY CRIME BRANCH, TRICHY CITY.
CR. NO. 26 OF 2014.

..RESPONDENT/COMPLAINANT

For Petitioner : M/S.C.MUTHU SARAVANAN Advocate
For Respondent : Mr.C.RAMESH, Additional Public Prosecutor
For Intervenor : Mr.N.MOHIDEEN BASHA, Advocate

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

ORDER : The Court Made the following order :-

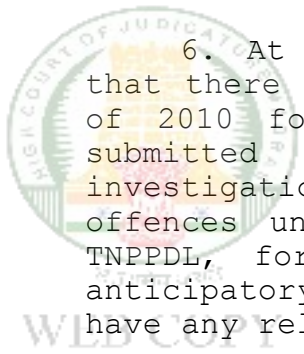
The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 420, 468, 471 and 506(i) IPC in Crime No.26 of 2014 on the file of the respondent police, seek anticipatory bail.

2. Heard the learned counsel for the petitioners, the learned counsel for the Intervenor and the learned Additional Public Prosecutor appearing for the State.

3. This case has been registered pursuant to the direction of this Court under Section 482 Cr.P.C. The case of the defacto complainant is that they are into the field of imparting IT training to students and they conduct advanced courses like Lenux and Java. According to the defacto complainant, the petitioners' institution approached them in the year 2007 and requested them to impart training to their students. Students were levied a fee of Rs.1,335/- per course by the College Management. The defacto complainant states in the complaint that they had given training to students upto 2011 and the payments were also made upto 30.11.2011. Thereafter, since payments were not forthcoming from the college management, they suspended the classes. This complaint has been lodged in July, 2014 and FIR was registered on 17.09.2014. Allegation in the complaint is that the petitioners owe a sum of Rs.1,13,91,857/- to the defacto complainant in respect of the training that was imparted by the defacto complainant to students.

4. On reading of the complaint, the transaction relates to the year 2007-2011 and the complaint has been lodged only in the year 2014.

5. Learned counsel for the petitioners submits that full amount was already received by the defacto complainant from the petitioners on 28.05.2012. Thus, allegations prima facie appear to be contractual in nature.



6. At this juncture, learned Additional Public Prosecutor submits that there are other cases against these petitioners, namely, Crime No.7 of 2010 for offences under Sections 465, 406, 468 IPC. It is also submitted that the Hon'ble Supreme Court of India has stayed the investigation in that case. The 2nd case is in Crime No.122 of 2013 for offences under Sections 467, 342, 294(b), 506(ii) IPC and also under TNPPDL, for which, it appears that the concerned Court has granted anticipatory bail. Therefore, this cannot be stated that these two cases have any relevance to the present case in question.

7. It is represented by the learned counsel for the petitioners that the 1st petitioner is a candidate in the coming Srirangam bye-election and his presence is required for campaign.

8. Taking into consideration the nature of allegation against these petitioners, 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 No.IV, Trichy, 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 2 to 4 shall report before the respondent police daily at 06:30 p.m. for a period of two weeks and thereafter as and when required for interrogation. The 1st petitioner shall report before the respondent police from 14.02.2015 onwards daily at 06:30 p.m. for a period of two weeks and thereafter as and when required for 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

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE NO.IV, TRICHY.

2 -do-thro'THE CHIEF JUDICIAL MAGISTRATE, TRICHY.

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

4 THE INSPECTOR OF POLICE, CITY CRIME BRANCH, TRICHY CITY.

+1. CC to M/S.C.MUTHU SARAVANAN Advocate SR.No.3989

ORDER IN

CRL OP(MD) No.18644 of 2014

Date :28/01/2015

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