

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

Monday, the Twenty Third day of February Two Thousand Fifteen  
PRESENT

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

CRL OP(MD) No.19589 of 2014

WEB COPY

1 MUTHUKUMAR @ MUTHUKUMARA SAMY  
2 SANKAR @ SANKARA NARAYANAN  
3 SUBBULAKSHMI  
4 ARUNACHALAM PILLAI  
5 KAVITHA  
6 SOLAIPANDI  
7 INDHURANI  
8 AYYAPPAN  
9 SUNDARI

... PETITIONERS/ACCUSED NOS.1 TO 9

RAJESWARI

... INTERVENER

Vs

THE STATE REP BY  
THE INSPECTOR OF POLICE  
DISTRICT CRIME BRANCH,  
TIRUNELVELI,  
CRIME NO.22/2013

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.J.JEYAKUMARAN Advocate

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

For Intervener : MR.M.SANKAR, Advocate

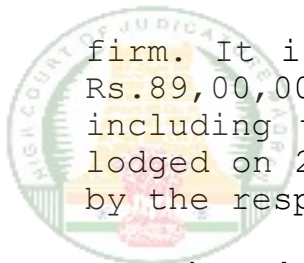
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

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 120(b) and 420 IPC in Crime No.22 of 2013 on the file of the respondent police, seek anticipatory bail.

2. Heard the learned counsel for the petitioners, the learned counsel for the defacto complainant and the learned Government Advocate (Crl.Side) appearing for the State.

3. The defacto complainant in this case is one Rajeswari. According to the defacto complainant, the petitioners herein were running a firm in the name of Green World Welfare Marketing Service and the petitioners had deposited money in the said firm on several occasions. The defacto complainant has further stated that they had collected money from various other persons and has deposited money in the said



firm. It is alleged by the defacto complainant that a total sum of Rs.89,00,000/- is payable by these petitioners to various persons including the defacto complainant. In this regard, a complaint was lodged on 25.06.2013 and the FIR was registered on the very same day by the respondent police.

4. The learned counsel for the petitioners submitted that entire case of the defacto complainant is false inasmuch as earlier on the complaint lodged by Subbulakshmi, W/o.Muthukumara Samy, who is the present petitioner herein, a case in Crime No.76 of 2012 was registered against Pandithurai, the husband of the defacto complainant Rajeswari. Based on which, the said Pandithurai was arrested and released on bail. A charge sheet has also been filed against the said Pandithurai in C.C.No.249 of 2012 in Crime No.76 of 2012.

5. If that is so, then there is no question of Rajeswari, the defacto complainant in this petition investing money in the firm of Muthukumara Swamy (1<sup>st</sup> petitioner), who is the husband of Subbulakshmi (the defacto complainant in Crime No.76 of 2012).

6. The present complaint has been filed by the defacto complainant only as a counter blast for the case in C.C.No.249 of 2012 that is pending against the defacto complainant's husband Pandithurai. Under such circumstances, this Court is 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.I, Tirunelveli, 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 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/-

23/02/2015

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE, NO.I, TIRUNELVELI

2 -DO-THRO' THE CHIEF JUDICIAL MAGISTRATE  
TIRUNELVELI

3 THE INSPECTOR OF POLICE  
DISTRICT CRIME BRANCH, TIRUNELVELI

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

+1. CC to M/S.J.JEYAKUMARAN Advocate SR.No.8137  
ORDER  
IN  
CRL OP (MD) No.19589 of 2014  
Date :23/02/2015

NA/25/02/2015/P2/6C