



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

Tuesday, the Tenth day of February Two Thousand Fifteen

PRESENT

WEB COPY

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP (MD) No.19614 of 2014

1 SELVAMURUGAN

2 THANGARATHI

... PETITIONERS/ACCUSED 1 & 2

Vs

STATE REP BY THE INSPECTOR OF POLICE

KUNANKULAM POLICE STATION,

TIRUNELVELI DIST,

CRIME NO.285/2014

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.R.ALAGUMANI Advocate

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

For Intervenor : MR. D.VENKATESH Advocate

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

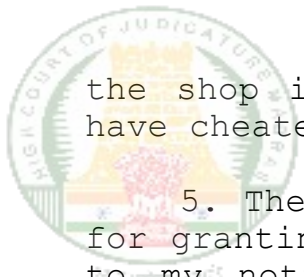
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 448, 406 and 420 IPC in Crime No.285 of 2014 on the file of the respondent police, seek anticipatory bail.

2. This case has been registered pursuant to directions of this Court in Crl.O.P.No.285 of 2015. Initially the matter was referred to Mediation centre and since mediation fails the matter has been sent back to the court.

3. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) appearing for the State and the learned counsel appearing for the Intervenor.

4. On reading of the complaint it is seen that the defacto complainant is none other than the own brother of the first petitioner. In the complaint the defacto complainant stated that he was doing business with his wife in the name of Saravana Agency in Chennai and that he has started the same business in Vijayapathi in Tirunelveli District and had appointed the petitioners to manage the shop. It is alleged that the petitioners have not been properly managing the shop and have caused heavy loss. Even according to the defacto complainant, the petitioners were given the management of



the shop in the year 2008 and he discovered that the petitioners have cheated them only in the year 2015.

5. The learned counsel for the intervenor would strongly oppose for granting of anticipatory bail to the petitioners and he brought to my notice a representation which he had given to Sales Tax authorities for cancelling Tin number given to shop run by the petitioners. It is seen that Sales Tax authorities have cancelled the same as early as on 22.12.2014.

6. The police is present before this Court. The learned Government Advocate on instruction from the police would submit that the petitioners have appeared before the police for interrogation and told their version of story.

7. Since the matter appears to be the dispute between the brothers for sharing of partnership profits, 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, on condition that the petitioners shall execute a separate 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 first petitioner shall appear before the respondent police daily at 10.00 a.m for a period of four weeks and thereafter, as and when required for interrogation and the second petitioner shall appear before the respondent police as and when required.

[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 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]**. The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate (Crl.side) as to whether the petitioners are complying with the order or not.

sd/-

10/02/2015

/ TRUE COPY /



TO

- 1 THE JUDICIAL MAGISTRATE, VALLIYOOR
- 2 THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI
- 3 THE INSPECTOR OF POLICE
KUNANKULAM POLICE STATION, TIRUNELVELI DT,
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1cc to Mr.R.Alagumani, Advocate Sr.No. 6357

ORDER

IN

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Date :10/02/2015

AA/13.02.2015/3p- 6c/