



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

Wednesday, the First day of July Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.20027 of 2014

L.LAKSHMANAN

... PETITIONER/ACCUSED

Vs

STATE REP BY THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, THENI DISTRICT.

CR.NO.50 OF 2014. ... RESPONDENT/COMPLAINANT

For Petitioner : M/S.SIVA AYYAPPAN ASSOCIATES Advocate

For Respondent : MR.K.V.RAJARAJAN Govt. Advocate (Crl. Side)

For Intervenor : MR.R.ANAND Advocate

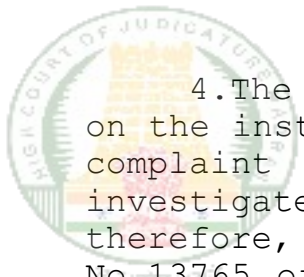
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused, apprehends arrest at the hands of the respondent Police for the alleged offences punishable under Sections 406, 420 and 477-A of I.P.C. in Crime No.50 of 2014 on the file of the respondent Police and hence, seeks anticipatory bail.

2.The case of the prosecution is that the accused was functioning as a President of Seva Nilayam Society and he did not maintain proper accounts and he misappropriated the funds of the said Society.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he is a senior citizen, aged about 76 years and he has been falsely implicated in this case. It is further submitted that the petitioner lodged a complaint against the Vice President of the Society, who had entered into a memorandum of understanding dated 31.03.2009, agreeing to maintain the property and repay the entire loan amount to the Bank. But, without doing so, he left the property to be sold by the Bank in a public auction. The learned counsel further submitted that the Vice President had swindled the funds of the society to the tune of Rs.8 lakhs, for which, a case has been registered against him in Crime No.22 of 2012.



4.The learned counsel for the petitioner further submitted that on the instigation of the Vice President of the Society, the present complaint was filed in the year 2012. The respondent has investigated the case, but, they did not take any action and therefore, the de facto complainant filed a petition in CrI.O.P.(MD) No.13765 of 2014 for a direction to register a case. On the basis of the direction issued by this Court, a case has been registered against the petitioner. The learned counsel further submitted that the petitioner has properly maintained the accounts from the year 2006 - 2014. The learned counsel has produced the Audit reports from the year 2006 - 2014, the balance sheet for the years between 2009 - 2014, the minutes and the resolution passed by the committee between 2006 - 2011.

5.The learned counsel appearing for the intervenor submitted that the petitioner has misappropriated the funds of the society to the tune of Rs.50 lakhs and he did not properly maintaining the accounts.

6.Heard the learned Government Advocate (CrI.side) appearing for the respondent Police.

7.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Theni, and on executing 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 learned Magistrate concerned and on further condition that the petitioner shall appear before the respondent police daily at 10 a.m., until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8.The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
01/07/2015

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE, THENI

2 THE CHIEF JUDICIAL MAGISTRATE, THENI

3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, THENI DISTRICT.

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

+1. CC to M/S.SIVA AYYAPPAN ASSOCIATES Advocate SR.No.35632

+1cc to MR.R.ANAND, Advocate Sr.No 35552

ORDER

IN

CRL OP(MD) No.20027 of 2014

Date :01/07/2015

AA/09.07.2015/ 3p- 7c/