



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

Friday, the Thirtieth day of October Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.20284 of 2015

1 PONNUSAMY
2 K. PERIYASAMY

... PETITIONERS / ACCUSED No.1 & 2

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
KARUR TOWN POLICE STATION,
KARUR DISTRICT.
(CRIME NO. 572 OF 2015)

... RESPONDENT / COMPLAINANT

PALANICHAMY

... PETITIONER/INTERVENER.

For Petitioner : M/S M.SARAVANAN Advocate

For Respondent : MRS.S.PRABHA, Govt. Advocate (Crl. Side)

For Intervenor : Mr.D.Selvanayam, Advocate.

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused, apprehend arrest at the hands of the respondent Police for the alleged offences punishable under Sections 120(b) and 380 IPC in Crime No.572 of 2015 on the file of the respondent Police and hence, seek anticipatory bail.

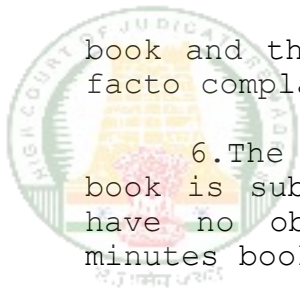
2.According to the de facto complainant that he was running finance companies in the name and style of Saravana Investments and Sathana Investments and A1 is one of the partners in the said companies and A2, who is the maternal uncle of A1 was having business transaction with the finance companies and therefore, borrowed Rs.1 lakh from each companies in the month of April 2015 and without paying the principal and interest thereon, he committed theft the minutes book of the finance companies.

3.The earlier application of the petitioner was dismissed on 09.10.2015.

4.The learned counsel for the petitioners submitted that the petitioners are ready for amicable settlement and the 2nd petitioner / A2 without prejudice to his right in the criminal case, is ready to deposit Rs.2 lakhs to the crime number. The learned counsel also filed an affidavit to that effect on 30.10.2015.

<https://hcservices.ecourts.gov.in/hcservices/>

5.The learned counsel for the intervenor submitted that the de facto complainant could not run the said finance company without the minutes



book and the accused may be directed to hand over the minutes to the de facto complainant.

6. The learned counsel for the petitioners submitted that the minutes book is submitted to the District Collector, Karur for enquiry and they have no objection for the de facto complainant to receive original minutes book from the Collector Office, Karur.

7. Heard the learned Government Advocate (Crl.side) appearing for the respondent Police.

8. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.I, Karur, and on each of them 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 petitioners shall appear before the respondent police daily at 10.00 am until further orders. The 2nd petitioner shall deposit Rs.2 lakhs to the credit of Crime No.572 of 2015 within a period of two weeks. The de facto complainant is at liberty to receive the original minutes book from the District Collector, Karur. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

9. The petitioners shall appear before the concerned Court 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/-

30/10/2015

/ TRUE COPY /

Sub-Assistant Registrar

TO

1 THE JUDICIAL MAGISTRATE NO.1
KARUR

2 DO THRO THE CHEIF JUDICIAL MAGISTRATE
KARUR DISTRICT

3 THE INSPECTOR OF POLICE
KARUR TOWN POLICE STATION,
KARUR DISTRICT.

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

+1. CC to M/S M.SARAVANAN Advocate SR.No.63807.

+1CC to M/S.B.SARAVANAN, Advocate, SR.No. 63987.

ORDER

IN

CRL OP(MD) No.20284 of 2015

Date :30/10/2015