



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

Monday, the Nineteenth day of January Two Thousand Fifteen
PRESENT

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

CRL OP (MD) No.21406 of 2014

WEB COPY

1 K.SIVANTHI

2 N.CHITHAMBARA MARTHANDAM

... PETITIONERS/ACCUSED Nos.1 AND 2

Vs

STATE.REP.BY

THE INSPECTOR OF POLICE

DISTRICT CRIME BRANCH (DCB),

TIRUNELVELI DT,

CRIME NO.25/2014

... RESPONDENT/COMPLAINANT

L.V.JEYAKUMAR

... INTERVENOR

For Petitioner : M/S.T.LAJAPATHI ROY Advocate

For Respondent : MR.C.RAMESH, Additional Public Prosecutor

For Intervener : MR.G.THIRUVARUTSELVAN, 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 406 and 420 IPC in Crime No.25 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 learned Additional Public Prosecutor appearing for the State.

3. It is the case of the prosecution that Sivanthi (A1) / 1st petitioner herein is the wife of Chithambara Marthandam (A2) / 2nd petitioner herein. The 1st petitioner is the owner of a Concern by name Sivanthi Consult. Sivanthi Consult obtained a contract from Government for construction of house sites for tsunami affected people under Tsunami Reformation Scheme. It is alleged by the defacto complainant that he had taken a sub-contract from Sivanthi Consult in respect of 21 house sites and in connection with it, Sivanthi Consult owes a sum of Rs.12,00,000/- to him.

4. Learned counsel for the petitioners brought to my notice that earlier the same defacto complainant approached Ovari Police Station and lodged the same complaint that was closed as Action Dropped. Of course, even in the subsequent complaint, the defacto complainant has stated about those facts, namely, the fact that he had given a complaint to Uvari Police. His allegation is that Uvari Police has not properly enquired the case.

5. This Court perused the complaint and found the allegations therein are that the petitioners have not paid Rs.12,00,000/- to the defacto complainant for having taken sub-contract.



6. Learned counsel for the Intervenor submits that there are several complaints against these petitioners for non payment of dues to various persons on account of which the District Collector had blacklisted Sivanthi Consult.

7. Be that as it may, allegation in this complaint appears to be a contractual dispute between the Intervenor and the petitioners. Under such circumstances, this Court is of the opinion that custodial interrogation of these petitioners may not be necessary. Therefore, 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.1, Tirunelveli District 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 1st petitioner shall report before the respondent police as and when required and the 2nd petitioner shall report before the respondent police daily at 10:30 a.m. for a period of two weeks and thereafter 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/-

19/01/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, TIRUNELVELI DISTRICT.
 - 2 DO-THRO' THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.
 - 3 THE INSPECTOR OF POLICE, DISTRICT CRIME BRANCH (DCB), TIRUNELVELI DT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.T.LAJAPATHI ROY Advocate SR.No.2427
+1CC TO MR.G.THIRUVARUTSELVAN, ADVOCATE, SR.NO. 2250

ORDER IN

CRL OP(MD) No.21406 of 2014

Date :19/01/2015