



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Wednesday, the Twenty First day of January Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP (MD) No.21874 of 2014

1 S.RAVIKUMAR

2 S.RAMAMOORTHY

..PETITIONERS/ACCUSED 1 & 2

SIKKANTHAR BATHUSHA

..INTERVENOR

Vs.

STATE REP.BY THE INSPECTOR OF POLICE

PALAM POLICE STATION, TIRUNELVELI JUNCTION,

TIRUNELVELI DISTRICT.

CRIME NO.900 OF 2014

..RESPONDENT/COMPLAINANT

For Petitioner : M/S.N.ANANDAKUMAR Advocate

For Respondent : Mr.P.KANNIDEVAN, Government Advocate (Crl.Side)

For Intervenor : Mr.A.THIRUVADIKUMAR, 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 408, 420 and 506(i) IPC in Crime No.900 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 the learned Additional Public Prosecutor appearing for the State. Learned counsel for the Intervenor strongly opposed to the grant of anticipatory bail to these petitioners.

3. The case of the prosecution is that Ravikumar (A1) was an employee of Chennai Mobiles (defacto complainant) and when the defacto complainant took stock of the materials during October, 2014, they found that there was a shortage of materials valued over Rs.5 lakhs, which the 1st petitioner has misappropriated. Since allegation against the 1st petitioner is indeed serious, custodial interrogation of him is necessary in order to recover the materials. Therefore, I am not inclined to grant anticipatory bail to the 1st petitioner. As regards the 2nd petitioner, he is the brother of 1st petitioner and that allegation against him is that he had threatened the defacto complainant, when the defacto complainant came to their house for enquiry in this regard.

4. Since the allegation against the 2nd petitioner is not very serious, I am inclined to grant anticipatory bail to the 2nd petitioner alone. Accordingly, the 2nd petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.IV, Tirunelveli, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) 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 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 2nd petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the 2nd petitioner 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]**.

5. This Criminal Original Petition in respect of the 1st petitioner is dismissed.

sd/-
21/01/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE NO.IV, TIRUNELVELI.

2 -DO-THRO'THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.

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

4 THE INSPECTOR OF POLICE, PALAM POLICE STATION, TIRUNELVELI JUNCTION,
TIRUNELVELI DISTRICT.

+1. CC to M/S.N.ANANDAKUMAR Advocate SR.No.2927

+1CC to M/s.A.THIRUVADIKUMAR, Advocate in SR.2889

ORDER IN

CRL OP(MD) No.21874 of 2014

Date :21/01/2015

PBK 22/01/2015 ::2P-7C: