



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

Monday, the Twelfth day of January Two Thousand Fifteen

PRESENT

THE HON`BLE MR JUSTICE P.N.PRAKASH

CRL OP(MD) No.23651 of 2014

WEB COPY

1 P.CHINNAPPA GOUNDER
2 C.KUMARVELU
3 C.MEENAKSHI

... PETITIONERS / ACCUSED
RANK NOT KNOWN

K.PITCHAIMUTHU

... DE-FACTO COMPLAINANT

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
ANTI LAND GRABBING SPECIAL CELL,
KARUR, CRIME NO. NOT KNOWN OF 2014

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.MITHUN, Advocate

For Respondent : MR.C.RAMESH, Government Advocate (Criminal Side)

For Intervener : MR.D.ANANDAN, Advocate

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

ORDER : The Court Made the following order :-

Apprehending arrest at the hands of the respondent police for the offences under Sections 406, 417, 420, 468, 471, 294(B) and 506(ii) of the Indian Penal Code, the petitioners are now before this Court seeking Anticipatory Bail.

2. This case has been registered on the orders of the learned Judicial Magistrate, Karur under Section 156(3) of Cr.P.C.

3. The learned counsel for the intervenor very strongly objects the grant of anticipatory bail on the ground that the first petitioner has registered the partnership firm property in the name of his son.

4. On a reading of the complaint, it appears that the first petitioner and the de-facto complainant were partners in a firm by name Navabharath Textiles.

5. The learned counsel for the petitioners would submit that Form-A given to the Register of Firms, wherein the name of Chinappa Gounder does not figure and the partners are Pitchaimuthu / intervenor, another Pitchaimuthu, S/o.Karumanna Gounder, Sellammal, Pushpam, Pappayee. Therefore, the first petitioner was not inducted into the partnership of the said firm and therefore, there is no question of this petitioner selling away the firm's property as alleged by the defacto complainant.



6. On the contrary, the learned counsel for the intervenor submits that there are other documents to show that he was inducted into the partner. But the fact remains that under the partnership Act Form-A has not been filed showing the first petitioner as partner.

7. Under such circumstances, the dispute essentially appears to be civil in nature and I am inclined to grant anticipatory bail to the petitioners, but with conditions.

8. 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, on their executing 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 petitioners 1 and 2 shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and the third petitioner shall appear before the respondent police 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/-

12/01/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE NO.I, KARUR.

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

3 THE INSPECTOR OF POLICE, ANTI LAND GRABBING SPECIAL CELL, KARUR.

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

+1. CC to M/S.M.MITHUN, Advocate SR.No.1572.

+1. CC to M/S.D.ANANDAN, Advocate SR.No.1619.

ORDER IN

CRL OP(MD) No.23651 of 2014

Date :12/01/2015