



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

Thursday, the Twenty Sixth day of February Two Thousand Fifteen

PRESENT

THE HON`BLE MR JUSTICE P.N.PRAKASH

CRL OP (MD) No.23878 of 2014

1 KARUPPUSAMY
2 MARIAPPAN @ BOSE
3 MAHESWARI

... PETITIONERS / ACCUSED 2 to 4

Vs

THE SUB INSPECTOR OF POLICE
SIVAKASI EAST POLICE STATION,
CR. NO. 597/2014

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.K.R.LAXMAN Advocate

For Respondent : Mr.A.P.BALASUBRAMANIAN, Govt. Advocate (Crl. Side)

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 147, 408 and 420 IPC in Crime No.597 of 2014 on the file of the respondent police, seek anticipatory bail.

2. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) appearing for the State.

3. This is second anticipatory bail petition and the first anticipatory bail petition in Crl.O.P.(MD) No.19978 of 2014 was dismissed by this Court on 13.11.2014.

4. On 20.01.2015, this Court passed the following order:

"The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 408 and 420 IPC in Crime No.597 of 2014 on the file of the respondent police, seek anticipatory bail.

2. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) appearing for the State.

3. This is second anticipatory bail petition and the first anticipatory bail petition in Crl.O.P.(MD) No.19978 of 2014 was dismissed by this Court on 13.11.2014.

4. Learned counsel for the petitioners submits that in the earlier anticipatory bail petition, this Court had proceeded on the basis that these petitioners were employees in the defacto complainant's company, but whereas these petitioners are not employees of the defacto complainant company.



5. The case of the prosecution is that one Ponraj (A1) was working as Manager in the defacto complainant's company, which is into manufacture of crackers. It is alleged that over a period of time, the said Ponraj has been illegally lifting crackers from the defacto complainant's company and selling it to various persons and thereby he had caused loss around Rs.25 lakhs to the defacto complainant. Ponraj has been arrested by Police.

6. Learned Government Advocate (Crl.Side) is directed to get the confession statement of Ponraj to see the nature of implication against these petitioner."

5. Police produced the confession statement of one Ponraj. On reading of the confession statement of Ponraj, it is seen that he has implicated Karuppsam / 1st petitioner herein. Ponraj had defalcated several lakhs of rupees and purchased properties in the name of Karuppasamy. Since allegations against Karuppasamy are very serious, this Court is not inclined to grant anticipatory bail to Karuppasamy / 1st petitioner.

6. As regards, Mariappan @ Bose / 2nd petitioner (father of Karuppasamy) and Maheswari / 3rd petitioner (wife of Karuppasamy) are concerned, the allegations against them are not very serious. Under such circumstances, this Court is inclined to grant anticipatory bail to the petitioners 2 and 3. Accordingly, the petitioners 2 and 3 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.I, Sivakasi, 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 petitioners 2 & 3 shall report before the respondent police as and when required for interrogation.

[b] the petitioners 2 & 3 shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners 2 & 3 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].

7. This petition in respect of the first petitioner is dismissed.

sd/-
26/02/2015

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE NO.I, SIVAKASI.
2. -DO- THRO THE CHIEF JUDICIAL MAGISTRATE,
SRIVILLIPUTHUR AT VIRUDHUNAGAR.
3. THE SUB INSPECTOR OF POLICE
SIVAKASI EAST POLICE STATION, SIVAKASI.
- 4 THE ADDL.PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

Sm:03.03.2015:3P/3C:

ORDER
IN
CRL OP(MD) No.23878 of 2014
Date :26/02/2015