



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

Monday, the Second day of March Two Thousand Fifteen
PRESENT

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

CRL OP(MD) No.2691 of 2015

WEB COPY

1 SUBBAIAH PANDIAN

2 UDAIYAMMAL

... PETITIONERS/ACCUSED NOS.1 AND 2

Vs

STATE.REP.BY

THE INSPECTOR OF POLICE

THEVARKULAM POLICE STATION,

TIRUNELVELI DISTRICT,

CR.NO.NOT KNOWN/2015

... RESPONDENT/COMPLAINANT

For Petitioner : MR.V.KATHIRVELU, Senior Counsel

for M/S.K. PRABHU Advocate

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

For Intervener : MR.SENTHIL KUMARIAH, 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, 420, 294(b) and 506(ii) IPC in Crime No.34 of 2015 on the file of the respondent police, seek anticipatory bail.

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

3. Initially, this petition was filed by showing the Crime Number as Not Known of 2015 and therefore, this Court granted interim anticipatory bail to these petitioners for two weeks.

4. Today, the respondent police is present and have filed a Status Report, in which they have stated that a regular case in Crime No.34 of 2015 for offences under Sections 406, 420, 294(b) and 506(ii) IPC, has been registered against the petitioners.

5. It is the case of the defacto complainant that the first petitioner is the Ex-President of Vannikonenthal Panchayath. It is alleged by the defacto complainant that the petitioners received a sum of Rs.1,00,000/- as extraneous consideration for appointing the defacto complainant as Overhead Tank Operator in Vannikonenthal Panchayath and also gave him some bogus appointment order, based on which, he joined the post, but subsequently, he was removed from service.

6. Learned Senior Counsel for the petitioners placed records before this Court showing that one Murugaraj was appointed to the said post on 01.02.2007. Since the said Murugaraj was not properly working, by a Resolution of the Panchayat, he was removed from the post on 28.11.2011 and in the place of the said Murugaraj, the defacto complainant was appointed. Subsequently, Murugaraj filed a Writ Petition in W.P.(MD) No.14907 of 2011 before this Court, challenging his removal



from the said post and also challenging the appointment of the defacto complainant in his place. In W.P.(MD) No.14907 of 2011, the defacto complainant has been shown as R3. This Court, by order dated 06.12.2013, allowed the writ petition filed by Murugaraj and set aside the order of removal and also the order of appointment of the defacto complainant to the said post. Only in that circumstances, the defacto complainant was not able to continue in the work.

7. Taking into consideration the facts and circumstances of the case, this Court is 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.VI, Tirunelveli, 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 shall, jointly or severally, deposit a sum of Rs.30,000/- to the credit of Crime No.34 of 2015 before the learned Judicial Magistrate No.VI, Tirunelveli, who in turn shall deposit the said amount in a Nationalized Bank initially for two years and thereafter, it should be renewed periodically. At the end of the case, the Trial Court shall pass appropriate orders with regard to the disbursement of the amount;

[b] the petitioners shall report before the respondent police as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] 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/-

02/03/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE NO.VI, TIRUNELVELI.
- 2 DO-THRO' THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.
- 3 THE INSPECTOR OF POLICE
THEVARKULAM POLICE STATION, TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

<https://hcservices.ecourts.gov.in/hcservices/>
+1. CC to M/S.R. PRABHU Advocate SR.No.9869

ORDER IN

CRL OP(MD) No.2691 of 2015

Date : 02/03/2015

PA/03.03.15/2P/6C