



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

Thursday, the Twenty Second day of January Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.291 of 2015

WEB COPY

1 TAMILARASAN

2 MAHALAKSHMI

... PETITIONER(S) / ACCUSED 1 & 2

Vs

THE STATE REP. BY THE INSPECTOR OF POLICE
VADIPATTI POLICE STATION, MADURAI DT,
CRIME NO.440/2013

... RESPONDENT/ COMPLAINANT

T.KANNAN

...INTERVENOR

For Petitioner : M/S.R.GANDHI Advocate

For Respondent : M/S.C.Ramesh Additional Public Prosecutor

For Intervenor :M/S. C.ASAITHAMBI 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 offence punishable under Sections 420, 465, 467, 468 and 506(ii) IPC in Crime No.440 of 2013 on the file of the respondent police, seek anticipatory bail.

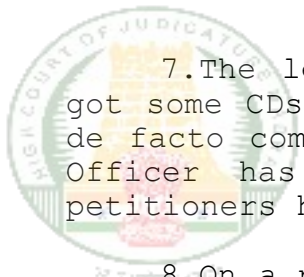
2.Heard the learned counsel for the petitioners, learned counsel for the intervenor and the learned Government Advocate (Crl. Side) appearing for the State.

3.On 21.01.2015, this Court passed the following order:

4.Today, the learned counsel for the intervenor filed a typed set of papers, wherein he brought to my notice a receipt allegedly issued by the petitioners herein for having received the aforesaid sum.

5.If that be so, then the de facto complainant can only file a civil suit.

6.The learned counsel for the petitioners submits that the said receipt is also a fabricated one and that has been created by the de facto complainant and his friends.



7.The learned counsel for the intervener also submitted that he has got some CDs which shows the conversation between the petitioners and the de facto complainant. He has also submitted that the Revenue Divisional Officer has passed order way back in the year 2007 against these petitioners herein.

8.On a perusal of the order passed by the Revenue Divisional Officer, it is seen that the said Alagan and Senthilkumar are also shown as parties to the said order. Therefore, it cannot be state that the de facto complainant was a stranger to Alagappan.

9.Taking into consideration the facts and circumstances, 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 District Munsif cum Judicial Magistrate, Vadipatti on condition that the petitioners shall execute 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 first petitioner shall report before the respondent police at 10:30 a.m. for a period of two weeks and thereafter as and when required for interrogation and the second petitioner shall report 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/-
22/01/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO
1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, VADIPATTI.
2 -Do- Through THE CHIEF JUDICIAL MAGISTRATE, MADURAI.
3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
4 THE INSPECTOR OF POLICE VADIPATTI POLICE STATION, MADURAI DISTRICT.
+1. CC to M/S.R.GANDHI Advocate SR.No.3236.
TS/28.01.2015/2P-6C

ORDER IN
CRL OP(MD) No.291 of 2015
Date :22/01/2015