



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

Monday, the Ninth day of March Two Thousand Fifteen

PRESENT

THE HON`BLE MR JUSTICE P.N.PRAKASH

CRL OP(MD) No.2996 of 2015

WEB COPY

1 S. KALAIYARASI
2 M. SARAVANAN
3 R. USHARANI
4 P. KAVITHA
5 S. GEETHA
6 S. SANTHI
7 S. SELVI
8 B. MUTHU
9 K. KALAIVANI
10 A. SATHYAVATHI
11 S. GANAGARETHINAM
12 J. STELLA MARY
13 M. MUTHUSARANYA
14 M. SATHYA
15 P. BABY STELLA MARY
16 S. MURUGANANDHAM
17 M. VIJI
18 I. AMBIKA
19 M. LAKSHMI
20 I. MARTIN
21 K. MANIMEGALAI
22 A. SELVAKUMAR
23 G. MUNEESWARI
24 V. SANKAR
25 THAMARAIAKANNAN
26 ATHAMANATHAN

... PETITIONERS/ACCUSED (RANK NOT KNOWN)

Vs

THE INSPECTOR OF POLICE
THIRUPATHUR TOWN POLICE STATION,
CRIME NO.NOT KNOWN OF 2015

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.N.ANANTHAPADMANABHAN Advocate

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

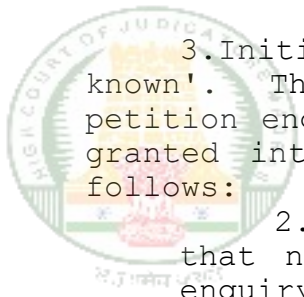
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

Apprehending arrest at the hands of the respondent police in Crime No.not known of 2015, on the file of the respondent police for offences under Sections 379, 380, 406 and 420 of the Indian Penal Code, the petitioners are now before this Court seeking Anticipatory Bail.

<https://hcservices.ecourts.gov.in/hcservices/>

2.Heard the learned counsel for the petitioners.



3. Initially, this petition was filed showing the crime number 'not known'. The learned Government Advocate (Crl. Side) represented that a petition enquiry in CSR No.50 of 2015 is pending. Therefore, this Court granted interim anticipatory bail to the petitioners on 23.02.2015 as follows:

2. Learned Government Advocate (Crl. Side) would submit that no regular case has been registered and only petition enquiry is pending in CSR.No.50/2015. However, on a reading of the complaint, it appears that one Devi of M/s. Swathy Smart Card Hitech Private Limited (hereinafter referred to as "Swathi Company") had lodged a complaint, in which, she has stated that Swathi Company had got the contract for taking Bio-Metric measurements for Aadhaar Card and that they were functioning in Tahsildar office of Tiruppur Taluk and as the salaries were not paid to the employees, Swathi Company had to wind up their work and the equipments were left in the Taluk office. Now, she is alleging that equipments have been taken away by the petitioners 1 and 2 herein. There is no allegation against the petitioners 3 to 26.

3. Under such circumstances, Interim Anticipatory Bail is granted to the petitioners 1 and 2 till 09.03.2015. The 2nd petitioner shall appear before the respondent/Police every day at 05.30 P.M till 09.03.2015 and the 1st petitioner shall appear before the respondent/Police as and when required for interrogation."

4. Today, the respondent police have filed a status report, in which, they have stated that the 2nd petitioner appeared before them on 27.02.2015. Whereas, the learned counsel for the petitioners submits that the 2nd petitioner has been regularly complying with the condition imposed by this Court. Be that as it may, the respondent police had stated in paragraph No.5 as follows:

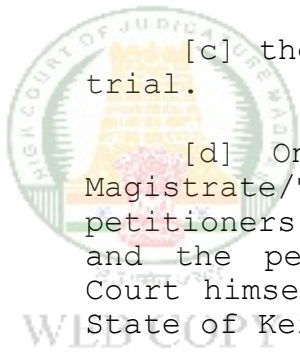
"5. I submit that the de-facto complainant's mobile number is switched off, the de-facto complainant, the said company and the proposed accused persons (petitioners herein) are not cooperating with the Investigating Officer."

5. Since the de-facto complainant is not appearing before the respondent police for enquiry, this Court is of the view that it is a fit case to grant anticipatory bail, but with conditions.

6. 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, Tirupathur, on 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 shall appear before the respondent police as and when required for interrogation.

[b] the petitioners shall not tamper with evidence or witness either
<https://hccservices.mca.gov.in/hccservices/>



[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].

[e] This order of anticipatory bail will enure to the benefit of the petitioners and they need not apply again for anticipatory bail, when regular case is registered.

sd/-
09/03/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE, THIRUPATHUR.
2. -DO- THRO THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI.
3. THE INSPECTOR OF POLICE
THIRUPATHUR TOWN POLICE STATION, THIRUPATHUR.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.N.ANANTHAPADMANABHAN Advocate SR.No. 11286

SR : 12.03.2015 : 3P/6C

ORDER
IN
CRL OP(MD) No.2996 of 2015
Date :09/03/2015