



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

Thursday, the Fifth day of March Two Thousand Fifteen
PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.3801 of 2015

WEB COPY

DR. K. THANAPPAN

... PETITIONER/ACCUSED NO.1

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANH,
KANYAKUMARI, NAGERCOIL
CRIME NO.20 OF 2015

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.T.R.JEYAPALAM Advocate

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

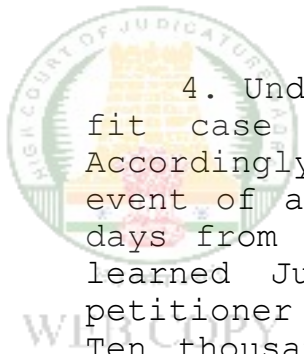
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for an alleged offence punishable under Sections 403,409,419, 420,465, 468 and 471 of IPC in Crime No.20 of 2015, seeks anticipatory bail.

2. Head the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent.

3. The petitioner in this case is the General Secretary of the Vellalar Educational Society, registered under the Tamil Nadu Societies Registration Act. The de facto complainant is one of the members of the said Society. These appears to be rivalry between the petitioner and the de facto complainant in taking control of the Society. The Society is running an Engineering College. The allegation of the de facto complainant is that the petitioner and the co-accused purchased a property from one Sornappan / A2 on 10.05.2012 in the name of the Society, the title of which is in cloud. It is alleged by the de facto complainant that Sornappan / A2 himself had purchased the property from a bogus person by name Nagammal. Apart from the de facto complainant no one has raised any objection to the purchase of the said property. The said property is adjacent to the Kalaivanar N.S.Krishnan Engineering College that is run by the Society and the Society members by resolution dated 30.09.2011 decided to purchase the property for the benefit of their college. In the resolution, the de facto complainant is also a signatory.



4. Under such circumstances, I am of the opinion that this is a fit case for granting anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate-I, Nagercoil on condition that 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 petitioner shall report before the respondent police as and when required for interrogation.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner 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/-

05/03/2015

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE, NO.I, NAGERCOIL

2 -DO-THRO'THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI AT NAGERCOIL

3 THE INSPECTOR OF POLICE DISTRICT CRIME BRANH, KANYAKUMARI,
NAGERCOIL

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

+1. CC to M/S.T.R.JEYAPALAM Advocate SR.No.10941

ORDER

IN

CRL OP(MD) No.3801 of 2015

Date :05/03/2015