



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

Tuesday, the Tenth day of March Two Thousand Fifteen
PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.3929 of 2015

WEB COPY

S. INDIRANI

... PETITIONER/ACCUSED
Vs

STATE REP BY THE INSPECTOR OF POLICE
AVIYUR POLICE STATION, AVIYUR,

VIRUDHUNAGAR DIST, CRIME NO.49/2015 ... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.BALAMURUGAN Advocate

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

For Intervenor : MR.K.SUDALIAYANDI Advocate

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 the alleged offences punishable under Sections 294(b), 355 and 420 of IPC in Crime No.49 of 2015 on the file of the respondent police, seeks anticipatory bail.

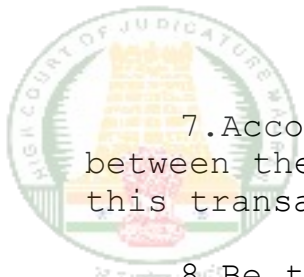
2.Heard the learned counsel for the petitioner, the learned Government Advocate (Crl.Side), and the learned counsel for the intervenor.

3.The learned counsel for the intervenor strongly objected for grant of anticipatory bail to the petitioner.

4.It is the case of the defacto complainant that the petitioner is the Secretary of Keezha Uppilikundu self help group No.1, which comes under an Umbrella Organization called Samuthuva Makkal Mandram, in which the defacto complainant is the President.

5.It is the further case of the defacto complainant that a sum of Rs.1 lakh was given to the Keezha Uppilikundu self help group No.1 for the purpose of disbursing loans to the members and the petitioner has to pay a sum of Rs.96,775/- to the Parent Body towards the loan amount.

6.The learned counsel for the petitioner submits that the petitioner does not owe any money and that no member of the self help group has even lodged a complaint against the petitioner. According to the petitioner, the loan amount was obtained from Pandian Grama Bank, Kariapatti, in respect of which, a settlement was arrived at between the petitioner and the Pandian Grama Bank on 06.12.2014.



7. According to the prosecution, the settlement arrived at between the petitioner and Pandian Grama Bank has nothing to do with this transaction.

8. Be that as it may, this Court is of the view that interest of justice will be served, if anticipatory bail is granted to the petitioner with certain conditions:-

9.(i) Accordingly, the petitioner shall deposit a sum of Rs.30,000/- (Rupees thirty thousand only) before the learned Judicial Magistrate No.2, Virudhunagar, who shall invest the same in Fixed Deposit any one of the Nationalized Banks and pass appropriate orders as to the disposal of the amount at the end of the case.

(ii) On such deposit, 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 No.2, Virudhunagar, 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

(iii) the petitioner shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter, as and when required for interrogation.

(iv) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(v) the petitioner shall not abscond either during investigation or trial.

(vi) On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Judicial 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/-
10/03/2015

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



TO

1 THE JUDICIAL MAGISTRATE NO.II,VIRUDHUNAGAR

2 THE CHIEF JUDICIAL MAGISTRATE,VIRUDHUNAGAR AT SRIVILLIPUTHUR

3 THE INSPECTOR OF POLICE
AVIYUR POLICE STATION, AVIYUR, VIRUDHUNAGAR

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

+1. CC to M/S.S.BALAMURUGAN Advocate SR.No.11993

ORDER

IN

CRL OP(MD) No.3929 of 2015

Date :10/03/2015

AA/13.03.2015/3p- 6c/