



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

Friday, the Sixth day of March Two Thousand and Fifteen
PRESENT

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

CRL OP(MD) No.4150 of 2015

WEB COPY

1 RAJAPONNU
2 SUNDARARAJAN
3 RAJENDRAN

... PETITIONERS/ACCUSED Nos.2,4 & 5

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
VIRUDHUNAGAR DISTRICT.
CR. NO.28/2014.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S. A. SARAVANAN 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.28 of 2014, on the file of the respondent police for offences under Sections 406, 408, 420, 465, 467, 468, 477(A) and 120(b) of the Indian Penal Code, the petitioners are now before this Court seeking Anticipatory Bail.

2.This is the third anticipatory bail petition and the first anticipatory bail is dismissed by this Court by well considered order.

3. It is the case of the prosecution that the property in question belongs to Hindu Premi Mandal and a portion of the property was sold by one P.V.Ponnaiah (A1), the President and Rajaponnu (A2), the Secretary of the said Mandal on 18.09.2009 for a meager sum of Rs.3,90,000/-. Thereafter, in order to regularise the affairs of the association, it is alleged that they have created a document as if Rajaponnu had presided over the meeting of the General Body Members on 02.05.2010 which was attended by 27 members. But, it is seen that P.V.Ponnaiah had died on 17.02.2010 itself and some of the members whose name figures in the general body of Members had also died. It is alleged that this bogus resolution was submitted to the Registrar of societies for regularising the affairs of the society. It is seen that Ponnaiah, who is A1 in this case had died and was the signatory to the sale.

4.This Court had granted anticipatory bail in Crl.O.P.(MD) No.337 of 2015 to Sivaprakasam (A3) on 28.01.2015, on the ground that he had deposited Rs.10 lakhs as directed by this Court.

5. This Court had also directed the learned Judicial Magistrate, Virudhunagar, to issue notice to Hindu Premi Mandal and transfer the said sum to the account of the said Mandal. Taking into consideration



the fact that a sum of Rs.10 lakhs has been deposited by the co-accused, this Court is of the view that this is a fit case for grant of anticipatory bail to the petitioners, 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, No.I, Virudhunagar, 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 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/-

06/03/2015

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I,VIRUDHUNAGAR.
- 2 DO-THRO' THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S. A. SARAIVANAN Advocate SR.No.10798

ORDER

IN

CRL OP(MD) No.4150 of 2015

Date :06/03/2015

PA/10.03.2015/2P/6C