



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

Wednesday, the Eleventh day of March Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.4376 of 2015

1 K. KARUPPASAMY

2 R. THANGATHAI

... PETITIONERS/ACCUSED 1 & 2

Vs

STATE REP BY THE INSPECTOR OF POLICE

PASUVANTHANAI POLICE STATION, THOOTHUKUDI DIST,

CRIME NO.16/2015

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.G.THALAIMUTHARASU 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 petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 406 and 420 IPC in Crime No.16 of 2015 on the file of the respondent police, seek anticipatory bail.

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

3. This Court perused the FIR. The defacto complainant in this case is one Ramar, who is a member of Village Sabha. According to the defacto complainant, when the 1st petitioner was the President of the Panchayat in the year 2004, he had appointed one Thangathai as Panchayat Assistant without properly convening the meeting of the Village Sabha.

4. For the alleged occurrence of the year 2004, a complaint has now been lodged on 03.03.2015 and the present case has been registered based on the direction of this Court in Crl.O.P.(MD) No.2456 of 2015 dated 16.02.2015.

5. Learned Government Advocate (Crl.Side) submits that the very same defacto complainant had lodged similar complaint before the respondent police and a case in Crime No.115 of 2013 was also registered. Subsequently, after conducting enquiry, the said case was closed as Mistake of Fact.



6. Taking into consideration the overall facts and circumstances of the case, this Court is 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 Judicial Magistrate No.II, Kovilpatti, on condition that each of 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 petitioners 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/-

11/03/2015

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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, KOVILPATTI
- 2 THE CHIEF JUDICIAL MAGISTRATE, TUTICORIN
- 3 THE INSPECTOR OF POLICE, PASUVANTHANAI POLICE STATION,
THOOTHUKUDI
- 4 THE ADDL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.G.THALAIMUTHARASU Advocate SR.No.11959

ORDER IN

CRL OP(MD) No.4376 of 2015

Date :11/03/2015

AA/13.03.2015/2p- 6c/