



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

Thursday, the Second day of July Two Thousand Fifteen
PRESENT

The Hon`ble Mr.Justice M.M.SUNDRESH

CRL OP(MD) No.8624 of 2015

WEB COPY

1 RAVICHANDRAN
2 SUDHA

... PETITIONERS/ACCUSED NO.2 & 3

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH POLICE STATION,
SIVAGANGAI DISTRICT,
(CRIME NO.58 OF 2014).

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.K.MAHENDRAN Advocate

For Respondent : MRS.S.PRABHA, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The matter is posted today under the caption 'for being spoken to' at the instance of this Court.

2. Seeking anticipatory bail in pursuant to the order passed by the Court below by which the earlier anticipatory bail granted was cancelled on the ground of suppression of fact, the present Criminal Original Petition has been filed by the petitioners.

3. A perusal of the order of the Court below would go to show that conditional order was passed while granting anticipatory bail. The petitioners have complied with the conditional order by paying a sum of Rs.6,00,000/-. They have also complied with the other conditions imposed. However, subsequently, on the application moved by the respondent on the ground that the petitioner did not disclose the fact that the earlier anticipatory bail petitions filed by the petitioners were dismissed by this Court.

4. The learned counsel for the petitioners submitted that the petitioners have complied with the conditions imposed while granting anticipatory bail. The investigation is nearing completion and the petitioners have also appeared before the Investigation Officer. The learned counsel for the petitioners submitted that to show their bonafide, the petitioners are ready to pay another sum of Rs.2,00,000/- each within a stipulated. He would further submit that Writ Petition is also filed by the petitioners challenging the departmental proceedings and in which an order of interim stay is also there.

5. The learned Government Advocate(Crl. Side) would submit that the fact remains that the petitioner has suppressed the earlier order passed by this Court, by which the anticipatory bail petitions filed by the petitioners were dismissed on merits.



6. Heard the learned counsel for the petitioners and the learned Government Advocate(Crl. Side) and perused the materials available on record.

7. It appears that the investigation is nearing completion. The petitioners have not stated the dismissal of the earlier anticipatory bail petitions filed before this Court. They have complied with the subsequent conditional order passed by the Court below by paying a sum of Rs.6 lakhs. Unfortunately, even the respondent herein also did not bring the dismissal of the earlier applications at the time of passing orders by the Court below. It is not as if the petitioners have not complied with the conditions imposed by the trial Court. The investigation is primarily based upon the records. The petitioners are willing to pay some more amount out of the alleged total amount of Rs.36 lakhs.

8. Considering the above, this Court is inclined to enlarge the petitioners on anticipatory bail. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.II, Sivagangai on condition that the petitioners shall pay a sum of Rs.2,00,000/- each within a period of four weeks from the date of receipt of a copy of this order. It is made clear that the sureties given before the Court below at the time of granting anticipatory bail would stand for this order as well. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. Scrupulously.

9. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready failing which, the petition for anticipatory bail stands dismissed.

sd/-

02/07/2015

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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, SIVAGANGAI.
- 2 DO-THRO' THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH POLICE STATION, SIVAGANGAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.K.MAHENDRAN Advocate SR.No.35790

ORDER IN
CRL OP(MD) No.8624 of 2015
Date :02/07/2015

PA/SJW/06.07.2015/2P/6C