



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

Tuesday, the Second day of June Two Thousand Fifteen
PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.9054 of 2015

1 TAMILSELVI

2 JEEVANANTHAM

3 SEKAR

4 ALEXANDAR

5 JOSEPH MOHAN KUMAR

ALIAS MANO PRABHU ... PETITIONERS 1-5 / ACCUSED 1 TO 5

Vs

THE STATE REP.BY

THE SUB INSPECTOR OF POLICE

KOOMAPATTI POLICE STATION, RAJAPALAYAM TK,

VIRUDHUNAGAR DT.(CR.NO.43/2015) ... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.V.MUTHUVELAN Advocate

For Respondent : MR.K.V.RAJARAJAN, Govt. Advocate (Crl. Side)

For Intervenor : MR.ABDUL RAHMAN,ADVOCATE

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

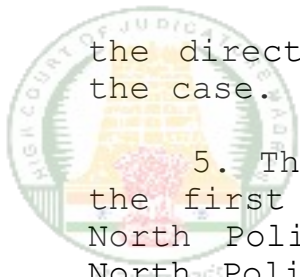
ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused Nos.1 to 5 apprehend arrest at the hands of the respondent police in Crime No.43 of 2015 for the offences under Sections 147, 148, 364(A), 323 and 506(ii) IPC and seek anticipatory bail.

2. The case of the prosecution is that on 31.01.2015, the petitioners had kidnapped the defacto complainant and by force they have taken away cheques from the defacto complainant.

3. The learned counsel for the petitioner submitted that after the death of the husband of the first accused viz., Moorthy, the defacto complainant was helping her and received Rs.12 lakhs from her and also issued cheques after convening a panchayat. He would further submit that the entire allegation that the accused had kidnapped the defacto complainant and obtained cheque by force are totally false.

4. Per contra, the learned counsel for the intervenor vehemently opposed the application stating that the accused have influenced with the politicians and officials of the respondent department and they have obtained cheque by force and therefore, they are not entitled for anticipatory bail. He would further submit that the respondent has not registered a case on the complaint given by the defacto complainant and therefore, he was constrained to file a petition for direction in Crl.O.P.(MD)No.4510 of 2015 and only on



the direction of this Court, the respondent police has registered the case.

5. The learned counsel for the intervenor also submitted that the first accused had made a false complaint to the Rajapalayam North Police Station and after enquiry, the Inspector of Police North Police Station found that the complaint given by the first accused is false. In the meanwhile, the defacto complainant had moved an application for anticipatory bail in CrI.O.P.(MD)No.8019 of 2015 and when it was listed for hearing on 27.04.2015, the respondent police reported that the enquiry was conducted and the petition was closed.

6. Heard the learned Government Advocate (crl. Side).

7. Considering the nature of allegations made against these petitioners and the relationship of the parties, this Court is inclined to grant bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail on their executing 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 learned Judicial Magistrate No.I, Srivilliputhur, Virudhunagar District and on further condition that the petitioners shall appear before the respondent police daily at 6.00 p.m. for a period of two weeks and thereafter as and when required. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. Scrupulously.

8. 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/-
02/06/2015

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.I, SRIVILLIPUTHUR,
VIRUDHUNAGAR DISTRICT.
2. THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR AT SRIVILLIPUTHUR.
3. THE ADDL. PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
4. THE SUB INSPECTOR OF POLICE
KOOMAPATTI POLICE STATION, RAJAPALAYAM TK, VIRUDHUNAGAR DT
- +1. CC to M/S.V.MUTHUVELAN Advocate SR.No.26889

ORDER
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