



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

Tuesday, the Third day of February Two Thousand Fifteen
PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.931 of 2015

WEB COPY

A.VELANKANNI

... PETITIONER/SOLE ACCUSED

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE
THILAINAGAR POLICE STATION,
TRICHY CITY. CR.NO.462/2014.

... RESPONDENT/COMPLAINANT

For Petitioner : MR.N.DILIPKUMAR, for
M/S.B.JAMEEL ARASU Advocate

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

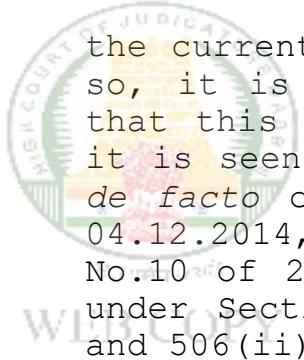
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 406, 417, 420, 468 and 506(i) IPC, in Crime No.462 of 2014 on the file of the respondent police, seeks anticipatory bail.

2. This is a second application for Anticipatory Bail. The first application for Anticipatory Bail was dismissed by this Court on 04.12.2014 on the ground that the petitioner, without authority from the Board, had fabricated the records and had withdrawn money.

3. The learned counsel appearing for the petitioner submits that at the time when the first application for Anticipatory Bail was heard, he did not produce various board resolutions, which were passed by the Board, empowering the petitioner and the *de facto* complainant to operate the bank accounts. It is seen that the petitioner and the *de facto* complainant were trustees in "The Good Samaritan Trust", which was founded by one Maria Susai, who expired on 27.12.2013. A few days prior to his death, viz., on 24.12.2013, he has executed a Will, in which he has stated that the petitioner herein and the *de facto* complainant have been authorised to jointly operate the bank accounts and manage the trust. Pursuant to the same, a resolution, dated 20.03.2014, was passed, in which the *de facto* complainant had also participated, empowering this petitioner and the *de facto* complainant to open a New Current Account in the Oriental Bank of Commerce, Trichy and this petitioner, the Chairman of the Trust and Rev.Fr.K.Devaraj, the Managing Trustee, the *de facto* complainant, alone were authorised and given power to operate



the current account in the Oriental Bank of Commerce, Trichy. While so, it is alleged by the *de facto* complainant - Rev.Fr.K.Devaraj that this petitioner had unauthorizedly withdrawn the amount. Now, it is seen that this petitioner has lodged a complaint against the *de facto* complainant and based on the orders of this Court dated 04.12.2014, made in Crl.OP[MD].No.21747 of 2014, a case in Crime No.10 of 2015 on the file of Mathur Police Station was registered under Sections 120(B), 448, 406, 420, 465, 468, 471, 341, 379[NP] and 506(ii) of the Indian Penal Code.

4. Taking into consideration of the above facts, it appears that there is a long drawn battle between two groups for taking control of the trust. There are also Civil Suits in O.S.No.84 of 2014, O.S.No.547 of 2014, O.No.280 of 2014 and Trust [OP] in OS [SR].No.740 of 2014 pending between the parties.

5. In such circumstances, this Court is inclined to grant Anticipatory Bail to the petitioner. Accordingly, 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.IV, Trichy, 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:

[a] the petitioner shall report before the respondent police twice a day at 10:30 in the morning and 06:30 in the evening for a period of two weeks and thereafter as and when required for interrogation.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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]**.

The Inspector of Police concerned is directed to send compliance report to the office of the learned Additional Public Prosecutor whether the petitioner is complying with the order or not.

sd/-
03/02/2015

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE, NO.IV, TRICHY

2 -DO-THRO'THE CHIEF JUDICIAL MAGISTRATE TRICHY

3 THE INSPECTOR OF POLICE
THILAINAGAR POLICE STATION, TRICHY CITY.

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

+1. CC to M/S.B.JAMEEL ARASU Advocate SR.No.5023
ORDER
IN
CRL OP(MD) No.931 of 2015
Date :03/02/2015

NA/06/02/2015/P3/6C