



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

Wednesday, the Twenty Seventh day of July Two Thousand Sixteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP (MD) No.12710 of 2016

1 PATHAMUTHU
2 KAMARAJ
3 RAMAR
4 VICKRAMATHITHAN
5 PALSAMY
6 RAMASAMY
7 MANICKAM

... PETITIONERS/ACCUSED NO. 1 TO 6 & 8

Vs

STATE REP BY THE INSPECTOR OF POLICE
SRIVILLIPUTTUR TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.

(CRIME NO. 541 OF 2016) ... RESPONDENT/COMPLAINANT

For Petitioner : M/S G.MARIMUTHU Advocate

For Respondent : MR.P.KANNITHEVAN Govt. Advocate (Crl. Side)

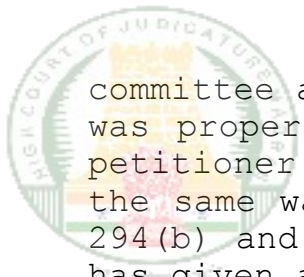
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused Nos.1 to 6 & 8, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 294(b), 506(i) and 420 IPC, in Crime No.541 of 2016 on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that the de facto complainant is the President of Perumalpatti Nadar Uravin Murai Sangam. The first petitioner is the Correspondent of the School, the second petitioner is the Secretary of the School and the other petitioners are the members of the Nadar Uravin Murai Sangam. The de facto complainant asked the petitioners to submit accounts books, but the petitioners did not surrender the account books and criminally intimidated the defacto complainant and misappropriated the funds belonging to the said Sangam. On complaint, case has been registered against the petitioners for the above said offences.

3.The case of the petitioners is that the first petitioner has produced the accounts books and handed over charge to the Ad-hoc



committee and audit was also conducted and it was found that account was proper. The further case of the petitioners is that the third petitioner lodged a complaint against the de facto complainant and the same was registered in Crime No.291 of 2016 under Sections 420, 294(b) and 506(ii) IPC. As a counter blast, the defacto complainant has given a false complaint.

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4. Heard the learned Government Advocate (Criminal Side).

5. Considering the contention of the learned counsel for the petitioners that the first petitioner handed over charge to the Ad-hoc Committee and this is a case and case in counter and both the defacto complainant and the petitioners are the President and ex-office bearers, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions. 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, Srivilliputtur, Virudhunagar District, on condition that each of the petitioners 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (i) the petitioners shall report before the respondent Police as and when required for interrogation.
- (ii) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioners shall not abscond either during investigation or trial.
- (iv) 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]**.

6. The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioners are complying with the conditions or not.

sd/-
27/07/2016

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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, SRIVILLIPUTTUR,
VIRUDHUNAGAR DISTRICT
- 2 THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR AT SRIVILLIPUTTUR
- 3 THE INSPECTOR OF POLICE
SRIVILLIPUTTUR TOWN POLICE STATION, VIRUDHUNAGAR DISTRICT.
- 4 THE ADDL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S G.MARIMUTHU Advocate SR.No.39960

ORDER

IN

CRL OP(MD) No.12710 of 2016

Date :27/07/2016

AA/ARK-PV/SAR-I/01.08.2016/3p-6c