



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

Monday, the Eighth day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.14068 of 2016

1 SENATHIPATHI
2 MANIKANDAN

... PETITIONERS / ACCUSED No.A1 & A2

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE
KOTTAMPATTY POLICE STATION,
MELUR TALUK,
MADURAI DISTRICT.
(CRIME NO. 348 OF 2016)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S S.MAHALINGAM 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 and 2, apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 336, 427 and 506(i) IPC, in Crime No.348 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 an agent of one private chit fund. He collected monthly premium from A.2 for seven months to the tune of Rs.7,500/-. The owner of the chit fund closed the chit fund and ran away and the de facto complainant informed A.2 about the said fact. The petitioners/A.1 and A.2 suspecting that the de facto complainant alone is the owner of the chit fund, demanded payment and they abused him in filthy language and A.1 attacked him with a stick and A.2 threw a stone and caused injuries and they also threatened him with dire consequences. On complaint, a case has been registered for the above said offences.

3.The case of the petitioners is that the de facto complainant is the owner of the chit fund and he is not the agent and he only collected moneys from the petitioners and other depositors and subsequently he closed and cheated the petitioners and other depositors stating that the de facto complainant is only an agent and the owner of the chit fund closed and absconded and when the petitioners demanded payment, a wordy quarrel arose and the de facto



complainant attacked the petitioners and took away 1¼ sovereign of gold chain in front of New Mass Hotel in Karungalakudi Village and attacked them and the complaint given by the petitioners has been registered in Crime No.350 of 2016 and due to that a false complaint has been given. The petitioners are innocent persons and they have not committed any offence as alleged by the prosecution.

4.The learned Government Advocate (Criminal side) submitted that this is a case and case in counter and investigation is pending. The first petitioner is having previous cases.

5.Considering the facts and circumstances of the case and also considering the fact that the de facto complainant and the petitioners have given complaints against each other and investigation is pending, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, they 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, Melur, 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 first petitioners shall report before the respondent Police daily twice i.e., at 10.00 a.m. and 05.00 p.m. until further orders and the second petitioner shall report before the respondent police daily at 10.00 a.m. until further orders.

(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/-

08/08/2016

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE, MELUR, MADURAI DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT

3 THE INSPECTOR OF POLICE, KOTTAMPATTY POLICE STATION,
MELUR TALUK, MADURAI DISTRICT.

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

+1. CC to M/S S.MAHALINGAM Advocate SR.No.42756

SMN

SMA/SKS-RR/SAR-I/10/08/2016 :3P/6C

ORDER

IN

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Date :08/08/2016