



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

Thursday, the Seventeenth day of November Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.17343 of 2016

1 PROF.P.M.BASKARAN

2 S.P. JEYARAJ

... PETITIONERS / ACCUSED NO.1 & 2

Vs

THE STATE OF TAMIL NADU, REPRESENTED BY

THE INSPECTOR OF POLICE,

GANDHI MARKET POLICE STATION,

TRICHY,

CR NO. 628 OF 2016.

... RESPONDENT / COMPLAINANT

REV.M.S.ARIVANNAL

... PETITIONER/INTERVENER

For Petitioner : M/S.J.MARIA ROSELINE Advocate

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

For Intervener : MR.P.ARUN JAYATRAM, Advocate

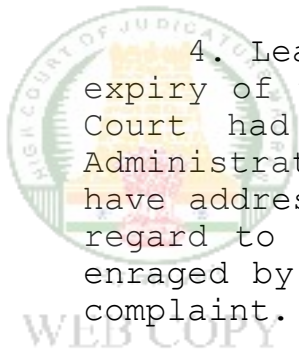
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 420, 465, 468, 471 and 506(ii) IPC r/w Section 120(B) IPC in Crime No.628 of 2016 on the file of the respondent police, the petitioners have come forward with this petition seeking anticipatory bail.

2. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) appearing for the respondent police.

3. The case of the prosecution is that the petitioners along with other accused have collected rents from the residential properties, shops and community hall, situate within the premise of Zion Church and misappropriated the same to the tune of Rs.7,00,000/- and that the petitioners had also cut and removed the Neem trees worth about Rs.45,000 without prior permission, which resulted in registration of the present case.



4. Learned counsel for the petitioners has submitted that after expiry of the period of outgoing Church Council on 02.05.2016, this Court had appointed Justice Kanagaraj, a retired Judge as an Administrator to administer the affairs of TECL and the petitioners have addressed several representation to the said Administrator with regard to the autocratic activities of the defacto complainant and enraged by the same, the defacto complainant has lodged the present complaint.

5. Learned Government Advocate (Crl.Side) would submit that there was a misappropriation of Rs.7 lakhs by the petitioners and the investigation of the case is pending.

6. Learned counsel for the Intervenor would submit that the petitioners, by way of forged receipts, swindled huge amount of Church money, besides cutting neem trees belonging to the Church without any authority.

7. It is seen that LPA proceedings are pending before this Court and unless or otherwise the accounts are properly submitted and audited by an Auditor, the exact amount of misappropriation cannot be arrived at. The question as to whether the petitioners have printed duplicate receipts and collected huge amount as rents is the matter for investigation and the same has to be subsequently established in Trial. Therefore, this Court is of the view that custodial interrogation of these petitioners is not required at this stage and this Court is inclined to grant anticipatory bail to the petitioners.

8. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate No.V, Trichirappalli, subject to the following conditions:

(i) 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 the police officer who intends to arrest or to the satisfaction of the Magistrate concerned;

(ii) the petitioners shall report before the respondent police daily at 10:30am until further orders for interrogation;

(iii) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(iv) the petitioners shall not abscond either during investigation or trial;

(v) on breach of any of the aforesaid conditions, the 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 petitioner released on bail by the 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]**.

sd/-
17/11/2016

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

AR
TO

- 1 THE JUDICIAL MAGISTRATE NO.V
TRICHIRAPPALLI
- 2 THE CHIEF JUDICIAL MAGISTRATE
TRICHY DISTRICT
- 3 THE INSPECTOR OF POLICE,
GANDHI MARKET POLICE STATION,
TRICHY,
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

M/S.J.MARIA ROSELINE Advocate, Sr.No.69997

GJM/PV/SAR-3-29.11.16-3P-6C

ORDER
IN
CRL OP(MD) No.17343 of 2016
Date :17/11/2016