



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

Tuesday, the Fifteenth day of November Two Thousand Sixteen

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PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.19028 of 2016

1 THAMOTHARAN
2 PHILIP PENIS
3 SHILA RANJINI

... PETITIONERS/ACCUSED No.1 to 3

Vs

STATE REP. BY
THE INSPECTOR OF POLICE
KOPPAMPATTI POLICE STATION,
TUTICORIN DISTRICT,
CR NO. 11 OF 2016.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.M.M.IQBAL Advocate

For Respondent : Mrs.S.PRABHA, Government Advocate, (Crl.side)

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 109, 406, 420 and 506 (i) I.P.C in Crime No.11 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 on either side.

3. The case of the prosecution is that the first petitioner is the Managing Director and the petitioners 2 and 3 are Directors of Best Foundation and the petitioners have collected Rs.3,500/- from 11 self-help groups on the assurance of training them in sheep rearing and arranging bank loan for them but failed to do so. Further, the first petitioner induced the complaint to become a shareholder in their company and using the blank cheques given at the time of joining the company as shareholder the first petitioner has drawn Rs.1 lakh from her wife's bank account. Further, the first



petitioner has taken the 46 thalasery variety of sheep from the defacto complainant by assuring him that he will replace them with country variety, but failed to do so.

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4. Learned counsel for the petitioners submitted that the alleged incident is of the year 2012 and the case has been registered in the year 2016. The earlier complaint of the defacto complainant was closed and based on the direction of the Judicial Magistrate No.2, Kovilpatti the case came to be registered.

5. Heard the learned Government Advocate (Crl. Side) also on the said submissions.

6. Taking note of the overall situation and that the petitioners are helping the people in the area for cattle rearing and they are running a Non-Governmental Organisation in the name and style of Best Foundation and engaged in cattle rearing, this Court is of the view that the custodial interrogation of the petitioners are not required. Hence, I am inclined to grant them anticipatory bail. 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 B (*) **Judicial Magistrate No.II, Kovilpatti**, 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 10.30 a.m. until further orders.**

(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 petitioners 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]**.

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sd/-
15/11/2016

(*) Amended as per order of this Hon'ble Court
in Cr1 MP(MD)No.12011 of 2016 in
Cr1.O.P.No.19028 of 2016, dated:02/12/2016.

(**) Time is extended by two weeks from
the date on which the order copy is made ready.
SD/-
02/12/2016

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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,
KOVILPATTI

2 THE CHEIF JUDICIAL MAGISTRATE
TUTICORIN DISTRICT

3 THE INSPECTOR OF POLICE
KOPPAMPATTI POLICE STATION, TUTICORIN DISTRICT

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

+1. CC to M/S.M.M.IQBAL, Advocate SR.No.78340

ORDER
IN
CRL OP(MD) No.19028 of 2016
Date :15/11/2016

sj
SH/KM/AR-CS-II:23.11.2016:3P/6C
JAM/12.12.16/DB/SAR 1/3P-6C