



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Wednesday, the Seventeenth day of February Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.2883 of 2016

WEB COPY

1 M. VIRUMAYEE AMMAL
2 P. SELVI
3 K.CHELLAPANDI
4 R. RAJAMMAL
5 M. SOUNDHARYA
6 KANNAN @ AUTO KANNAN
7 K. JEYALAKSHMI
8 K. LAKSHMI
9 P. SELVAM
10 M. PANDIYAMMAL
11 M. MURUGAN
12 P. MAYANDI
13 P. SELVAKUMAR
14 P. PALPANDI
15 M. PALANI KUMAR
16 MAYAKKAL

... PETITIONERS / ACCUSED

Vs

STATE REPRESENTED THROUGH,
THE INSPECTOR OF POLICE
THIRUNANAGAR POLICE STATION
MADURAI DISTRICT,
CR NO.798 OF 2014.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S M.GURURAJ Advocate

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

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

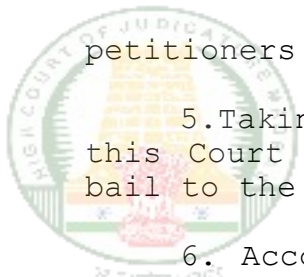
ORDER : The Court Made the following order :-

Apprehending arrest at the hands of the respondent police in Crime No.798 of 2014, on the file of the respondent police for offences under Sections 147, 294(b), 353, 506(i) and 120(b) IPC, the petitioners are now before this Court seeking Anticipatory Bail.

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

3.On reading of the complaint, it appears that the 15th petitioner had borrowed a loan from State Bank of India Kappalur Branch and defaulted pursuant to which SARFAESI proceedings were initiated for recovery of around Rs.8 crores. On the order dated 10.10.2014 passed by the District Collector, the Village Administrative Officer and bank officials went to the Village for taking possession of the mortgaged property and at that time, they were prevented by the petitioners herein.

<https://hcservices.courts.gov.in/hcservices/> of the petitioners is that even prior to 10.10.2014 i.e on 01.10.2014, the petitioner has paid around Rs.2.3 crores which was not taken into consideration by the bank officials and therefore, the



petitioners resisted the take over.

5. Taking into consideration the facts and circumstances of the case, this Court is of the view that it is a fit case to grant anticipatory bail to the petitioners, but with conditions.

6. 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.VI, Madurai, on executing a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with one surety 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 petitioners shall report before the respondent police every day at 6.30 p.m for a period of two weeks and thereafter, as and when required for interrogation.

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

[c] the petitioners 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 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]**.

[e] The Inspector of Police concerned is directed to send compliance report to the office of the learned Government Advocate (Crl. Side) as to whether the petitioners are complying with the condition or not.

sd/-
17/02/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1. THE JUDICIAL MAGISTRATE-VI, MADURAI
2. THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT
3. THE INSPECTOR OF POLICE
THIRUNANAGAR POLICE STATION, MADURAI DISTRICT,
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL OP(MD) No.2883 of 2016
Date :17/02/2016