



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

Friday, the Fifth day of February Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

WEB COPY

CRL OP(MD) Nos.734 of 2016, 23932 and 23961 of 2015

R.DEVIAM

... PETITIONER/ACCUSED NO.9 IN
CRL.OP(MD)NO.734/2016 AND
PETITIONER/ACCUSED NO.7 IN
CRL.OP(MD)NO.23961/2015

S.RAJA

... PETITIONER/ACCUSED NO.8 IN
CRL.OP(MD)NO.23932/2016

Vs

STATE REP BY
THE INSPECTOR OF POLICE
ECONOMIC OFFENCE WING II,
MADURAI ,
(CRIME NO.1/2016)

... RESPONDENT/ COMPLAINANT IN
CRL.OP(MD)NO.734/2016

STATE REP BY
THE INSEPECTOR OF POLICE
DISTRICT CRIME BRANCH, MADURAI DISTRICT,
MADURAI
(CRIME NO.64 OF 2015)

... RESPONDENT/ COMPLAINANT IN
CRL.OP(MD)NOS.23932 AND 23961/2015

- 1.BAVA PUHARDEEN
- 2.NOORJAHAN
- 3.H.MOORSHITHA
- 4.S.KATHIJA BEEVI
- 5.JENAT FIRDOUSE
- 6.I.SHAJAHAN
- 7.T.SRIDHAR
- 8.A.PISMI NISHA BEGUM
- 9.V.S.KATHEEJA BEEVI
- 10.A.Md.IQBAL
- 11.H.M.JAFFER ALI
- 12.V.MOHANRAM
- 13.G.DHANALAKSHMI
- 14.KOMBAYAN
- 15.M.THANGAIAH
- 16.SASIKUMAR

...INTERVENE PETITIONERS/(3RD PARTY)
VICTIM DEPOSITORS IN



M.AMSAVALLI

... INTERVENE PETITIONER IN
CRL.MP (MD) NOS.711&710/2016 IN CRL.OP (MD) NOS.23932 AND 23961/2015

T.SAKTHIVEL

... INTERVENE PETITIONER IN
CRL.MP (MD) NO.699/2016 IN CRL.OP (MD) NO.23961/2015

K.MUNEESWARAPANDI

... INTERVENE PETITIONER IN
CRL.MP (MD) NO.700/2016 IN CRL.OP (MD) NO.23961/2015

ARIKRISHNAN

... INTERVENE PETITIONER IN
CRL.MP (MD) NO.701/2016 IN CRL.OP (MD) NO.23961/2015

M.RAMACHANDRAN

... INTERVENE PETITIONER IN
CRL.MP (MD) NO.702/2016 IN CRL.OP (MD) NO.23961/2015

S.NAGARAJ

... INTERVENE PETITIONER IN
CRL.MP (MD) NO.703/2016 IN CRL.OP (MD) NO.23961/2015

GUNASUNDARI

... INTERVENE PETITIONER IN
CRL.MP (MD) NO.709/2016 IN CRL.OP (MD) NO.23961/2015

1.G.K.RAMALINGAM

2.B.LAVANYA

3.L.KALAVATHY

4.R.VINOTHKUMAR

5.S.JERINABEGAM

6.G.VENKATESWARAN

7.G.DHANAM

8.R.MALA

9.R.DHANDAPANI

10.N.GOVINDAN

... INTERVENE PETITIONER IN
CRL.MP (MD) NO.1003/2016 IN CRL.OP (MD) NO.23961/2015

For Petitioner : M/S V.M.BALAMOCHAN THAMBI Advocate in
Crl.OP (MD) No.734/2016

M/S.M.SUBASH BABU, Advocate for
M/S.K.GOPINATH in Crl.OP (MD) No. 23932/2015

M/S.M.SUBASH BABU, Advocate
M/S.C.SUSIKUMAR, Advocate in
Crl.OP (MD) No.23961/2015

For Respondent : M/S.A.P.BALASUBRAMANI,
Govt. Advocate (Crl. Side) in All the Cases

For Intervenor : M/S.SENTHIL KUMAR, Advocate in
CRL.MP (MD) NOS.801,802&800/2016 IN
Crl.OP (MD) Nos.734/16, 23932 and 23961/2015

: M/S.V.RAJIV RUFUS, Advocate in
Crl.MP (MD) No.711/2016 in Crl.OP (MD) No.23932/2015
Crl.MP (MD) No.710/2016 in Crl.OP (MD) No.23961/2015



M/S.AYYA VETRI SELVAN, Advocate in
Crl.MP(MD)No.1003/2016 in Crl.OP(MD)No.23961/2015

M/S.M.N.MARIAPPAN, Advocate in
Crl.MP(MD)No.709/2016 in Crl.OP(MD)No.23961/2015

M/S.J.JEYAKUMARAN, Advocate in
Crl.MP(MD)Nos.699 to 703/2016 in Crl.OP(MD)No.23961/2015

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

ORDER : The Court Made the following order :-

Today when these criminal original petitions were taken up for hearing, this Court has received a report from the learned Principal District Judge, Madurai, dated 04.02.2016, stating that the accused R.Deivam and Raja, concerned in Crime No.64 of 2015, on the file of the District Crime Branch, Madurai District, have not filed any anticipatory bail application.

2. It was represented on behalf of the intervenors that the accused have obtained an interim order of not to arrest on the promise that they will make some payment to the victims.

3. It is seen that on 06.01.2016, this Court has granted an interim order of not to arrest, in Crl.O.P.(MD) Nos.23932 and 23961 of 2015, for the accused S.Raja and R.Deivam. Therefore, the learned counsels for the intervenors have submitted that this Court should not permit the accused to merely withdraw the applications for anticipatory bail and to adopt forum shopping by approaching the Sessions Court or again this Court at a later point of time.

4. Though there may be substance in the contentions of the learned counsel for the intervenors, this Court cannot give a direction to the respondent Police to arrest the accused or to prevent the accused from withdrawing the applications for anticipatory bail. In the event of approaching the Sessions Court or this Court by the accused for anticipatory bail, the respondent of Police should bring the factum of the earlier proceedings to the notice of the concerned Judge and the intervenors can also intervene and make their submissions at that time.

5. With the above observation, all these criminal original petitions are dismissed as withdrawn and the interim order of not to arrest granted in Crl.O.P.(MD) Nos.23932 and 23961 of 2015 shall stand vacated.

sd/-
05/02/2016'

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



TO

1. THE INSPECTOR OF POLICE
ECONOMIC OFFENCE WING II,
MADURAI ,

2. THE INSEPECTOR OF POLICE
DISTRICT CRIME BRANCH, MADURAI DISTRICT,
MADURAI

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

+1. CC to M/S.M.SENDHILKUMAR, Advocate SR.No.7075

+One cc to M/S.M.SUBASH BABU, Advocate, SR.No.7551

RL/6C/AAL/MPA/11/2/2016

ORDER

IN

CRL OP(MD) Nos.734 of 2016,
23932 and 23961 of 2015

Date :05/02/2016