



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

Monday, the Twentieth day of June Two Thousand Sixteen
PRESENT

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

CRL OP(MD) No.8333 of 2016

WEB COPY

1 N.ARUL MURUGAN
2 JESURATHINAM
3 A.MOHAN
4 MERVIN @ MERVYN RAJ SEKHAR
5 HERBERT @ J.JOHN HERBERT SINGH ... PETITIONERS/ACCUSED 1 TO 5

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
MARTHANDAM POLICE STATION,
KANYAKUMARI DISTRICT.
CRIME NO. 339/2016 ... RESPONDENT/COMPLAINANT

RAJAM ... PETITIONER/INTERVENER/DEFACTO COMPLAINANT IN
CRL.MP(MD)NO.4075/2016 IN CRL.OP(MD)NO.8333/2016

For Petitioner : M/S.S.C.HEROLD SINGH Advocate
For Respondent : MR.P.KANNITHEVAN, Govt. Advocate (Crl. Side)
For Intervenor : MR.S.TITUS, Advocate

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 to 5 apprehend arrest at the hands of the respondent police for the offences punishable under sections 166, 167, 468, 420 and 120(b) of IPC, in Crime No.339 of 2016, on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that inspite of the orders of this Court, which was confirmed by the Hon'ble Apex Court and the subsequent G.O.Ms.No.100, the petitioners regularised the de facto complainant from the date of G.O. i.e., from 23.04.2010, instead of the date joining i.e., from 14.12.1999 and thereby committed offence of depriving the monetary benefits and pensionary benefits to the de facto complainant. On complaint case has been registered for the above said offences.

3.The case of the petitioners is that they are innocent persons and they have not committed any offence as alleged by the prosecution and they passed orders as per the instructions given by their superior officers.

4.Heard the learned Government Advocate (Criminal side).

5.The intervenor filed an intervening petition, wherein it is stated that the petitioners caused monetary loss to the de facto



6. Considering the facts and circumstances of the case and also considering the fact that the petitioner passed orders as per the instruction of their superior officers and they discharged their official duty, custodial interrogation is not required. This Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.I, Kuzhithurai, and on each of them executing 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 learned Magistrate concerned and on further condition that the petitioners shall report before the respondent as and when required for interrogation. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

7. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which the petition for anticipatory bail stands dismissed.

sd/-

20/06/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.1,
KUZHITHURAI.
- 2 DO-THRO' THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE INSPECTOR OF POLICE
MARTHANDAM POLICE STATION,
KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.C.HEROLD SINGH Advocate SR.No.31429

ORDER

IN

CRL OP(MD) No.8333 of 2016

Date :20/06/2016

PA/ARK-PV/SAR I/23.06.2016/2P/6C