



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

Tuesday, the Twenty Eighth day of June Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.9221 of 2016

1 THIRUKADAL UTHAYAM

2 ANI SHOBIA RESLIN

... PETITIONERS / ACCUSED NO.1 & 2

Vs

THE INSPECTOR O F POLICE
ARALVOIMOZHI POLICE STATION,
KANYAKUMARI DISTRICT,
CRIME NO. 150 OF 2016.

... RESPONDENT / COMPLAINANT

Ms.HATHERIN JANET

... INTERVENER/DEFACTO COMPLAINANT

For Petitioner : M/S C.D.JOHNSON Advocate

For Respondent : MR.P.KANNITHEVAN Govt. Advocate (Crl. Side)

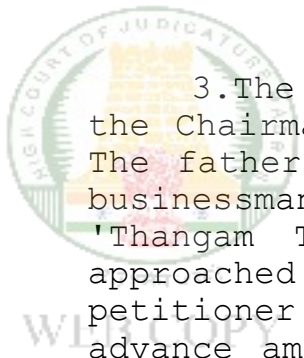
For Intervener : MR.HARIPRASAD, Advocate

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 and 2 apprehend arrest at the hands of the respondent police for the offences punishable under Sections 407 and 420 of IPC, in Crime No.150 of 2016, on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that the de facto complainant is a post graduate degree holder and she applied to the post of Assistant Professor in the petitioners College. In the interview conducted by the College, she has been selected and at the time of giving appointment order, the petitioners received Rs.2,00,000/- from the de facto complainant as caution deposit and her two original certificates of B.E. and M.E. Degrees. The de facto complainant joined the post on 03.02.2014. After giving appointment, the petitioners did not give salary to her properly. Therefore, she left the job in the month of May, 2014, due to non-payment of salary regularly. The petitioners did not return the original certificates of B.E. and M.E. Degrees and a sum of Rs.2,00,000/- given as caution deposit. On complaint case has been registered for the above said offences.



3.The case of the petitioners is that the first petitioner is the Chairman of the College and the second petitioner is his wife. The father of the de facto complainant namely one Thangamani is a businessman selling T.V. and A.C. Machines in the name and style of 'Thangam Traders' and in the year 2013, the first petitioner approached him to order A.C. Machines to the College and the first petitioner directed him to supply A.C. Machines and also paid an advance amount of Rs.2,00,000/- to him and since he was not in a position to supply the said materials with prescribed qualities, requested by the first petitioner, he deposited the said advance amount in the college account. Due to that a misunderstanding arose between them and thereafter a false complaint has been given.

4.The learned counsel for the intervenor submitted that already the de facto complainant filed W.P(MD)No.2648 of 2016 for return of original certificates.

5.The learned Government Advocate (Criminal side) submitted that investigation is pending.

6.Today when the matter is taken up for hearing, the learned counsel for the petitioners handed over two original certificates of B.E. and M.E. Degrees to the de facto complainant in the presence of her counsel and the learned counsel for the intervenor acknowledged the same by way of making an endorsement.

7.Considering the facts and circumstances of the case and also considering the nature of allegation, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, they 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, Boothapandi, Kanyakumari District, on condition that 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (i) the petitioners shall report before the respondent Police as and when required for interrogation;
- (ii) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioners shall not abscond either during investigation or trial.
- (iv) 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



8.The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioners are complying with the conditions or not.

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sd/-
28/06/2016

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

SMN
TO

- 1 THE JUDICIAL MAGISTRATE, BOOTHAPANDI, KANYAKUMARI DISTRICT
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI DISTRICT AT NAGERCOIL
- 3 THE INSPECTOR OF POLICE
ARALVOIMOZHI POLICE STATION, KANYAKUMARI DISTRICT,
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to M/S S.MUTHUMALAI RAJA Advocate SR.No.33574
+1CC TO MR.HARI PRASAD, ADVOCATE SR.NO.33709

GJM/SKS/RR/SAR-I-4.7.16-3P-7C

ORDER
IN
CRL OP(MD) No.9221 of 2016
Date :28/06/2016