



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

Thursday, the Sixteenth day of June Two Thousand Sixteen

PRESENT

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

CRL OP(MD) Nos.9319 and 9327 of 2016

S. NAGARAJAN

... PETITIONER/ACCUSED No.2
IN CRL OP(MD)No.9319/2016

G. RAJKUMAR

... PETITIONER/ACCUSED No.1
IN CRL OP(MD)No.9327/2016

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
ARUPPUKOTTAI TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
(CRIME NO. 448 OF 2016)

... RESPONDENT/COMPLAINANT
IN BOTH THE PETITIONS

Dr.B.RAVIKUMAR

... PETITIONER/DEFACTO COMPLAINANT
IN BOTH THE PETITIONS

FOR PETITIONER : MR.AJMAL KHAN, SENIOR COUNSEL FOR
M/S R.GANDHI, ADVOCATE IN CRL OP(MD)No.9319/2016
: MR.AJMAL KHAN, SENIOR COUNSEL FOR
M/S AJMAL ASSOCIATES, IN CRL OP(MD)No.9327/2016

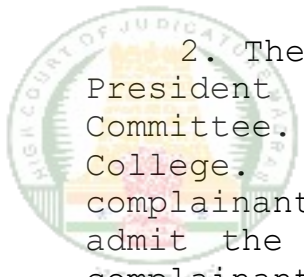
FOR RESPONDENT : MR.P.KANNITHEVAN, GOVERNMENT ADVOCATE (CRL. SIDE)
IN BOTH THE PETITIONS

FOR INTERVENOR : MR.R.R.KANNAN, ADVOCATE
IN BOTH THE PETITIONS

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

ORDER : The Court Made the following order :-

The petitioner in Crl.O.P.(MD)No.9319 of 2016, who is arrayed as A2 and the petitioner in Crl.O.P.(MD)No.9327 of 2016, who is arrayed as A1, apprehending arrest at the hands of the respondent police, for the alleged commission of offence punishable under Section 506(i) of I.P.C., in Crime No.448 of 2016, on the file of the respondent police, seek anticipatory bail.



2. The case of the prosecution is that the petitioners are Ex-President and Ex-Secretary of Aruppukkottai Devanga Arts College Committee. The *de-facto* complainant is the Principal of the College. On 11.06.2016, the petitioners threatened the *de-facto* complainant and abused him in filthy language and directed him to admit the students as per their list and prevented the *de-facto* complainant from discharging his duty as Principal. Hence, the *de-facto* complainant has given the complaint, based on which, a case was registered under Section 506(i) of I.P.C., and thereafter, it was altered to Sections 342, 294(b), 353 and 506(ii) of I.P.C.

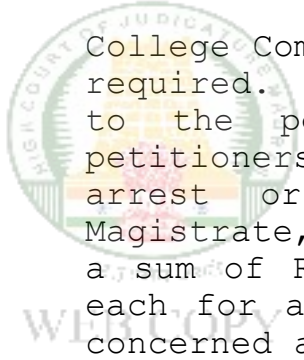
3. The case of the petitioners is that they are President and Secretary of Aruppukkottai Devanga Arts College Committee and there is a dispute with regard to election of Management Committee. The *de-facto* complainant without instruction of the Management Committee, appointed two Teaching Staffs as Head of the Department in the College contrary to the orders passed by the Committee. The petitioner in CrI.O.P.(MD)No.9327 of 2016 filed W.P.(MD)No.9622 of 2016 before this Court and this Court permitted him to initiate appropriate action against the *de-facto* complainant/Principal. Due to which, the *de-facto* complainant has given a false complaint to avoid action being taken. Further, the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution.

4. The learned counsel for the Intervenor reiterated the averments made in the complaint and submitted that without any authority, the petitioners trespassed into the College and prevented the *de-facto* complainant from functioning as Principal. The term of the petitioner in CrI.O.P.(MD)No.9327 of 2016 was expired on 22.08.2015 and the term of the petitioner in CrI.O.P.(MD)No.9319 of 2016 is going to be expired in August 2016. The petitioners were removed by the Committee and they are not the office bearers of the Committee. The petitioners have no authority to interfere with the admission.

5. The learned Government Advocate (Criminal side) submitted that on receiving the complaint, the case has been registered for the offence punishable under Section 506(i) of IPC and thereafter, it was altered to Sections 342, 294(b), 353 and 506(ii) of I.P.C and the investigation is going on.

6. I have considered the rival submissions made by the learned counsel appearing for the parties.

7. Considering the facts and circumstances of the case and considering the fact that there is a dispute with regard to election of office bearers of the College Committee and the petitioner in CrI.O.P.(MD)No.9327 of 2016 filed W.P.(MD)No.9622 of 2016 before this Court challenging the appointment made by the *de-facto* complainant, and this Court permitted him to initiate proceedings against the *de-facto* complainant and also considering the fact that with regard to election of office bearers of the Management of the



College Committee, custodial interrogation of the petitioners is not required. Hence, 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, Aruppukkottai, 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 appear before the respondent police, as and when required for interrogation. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

8. 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/-
16/06/2016

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE,
ARUPPUKOTTAI, VIRUDHUNAGAR DISTRICT.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR AT SRIVILLIPUTHUR.
3. THE INSPECTOR OF POLICE,
ARUPPUKOTTAI TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+ 2 CC TO MR.RR.KANNAN, ADVOCATE IN SR No. 30910, 30912
+ 1 CC TO MR.R.GANDHI, ADVOCATE IN SR No. 30866
+ 1 CC TO M/S.AJMAL ASSOCIATES, IN SR No. 31050

ORDER
IN
CRL OP(MD) Nos.9319 &9327/2016
Date :16/06/2016