



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

Tuesday, the Thirtieth day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.15852 of 2016

O.M.S.SAMBASIVAM

... PETITIONER/SOLE ACCUSED

Vs

STATE REP.BY ,
THE INSPECTOR OF POLICE,
PATTUKKOTTAI TALUK POLICE STATION,
PATTUKKOTTAI,
THANJAVUR DISTRICT
CRIME NO. 227 OF 2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.DEENADHAYALAN Advocate

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

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

ORDER : The Court Made the following order :-

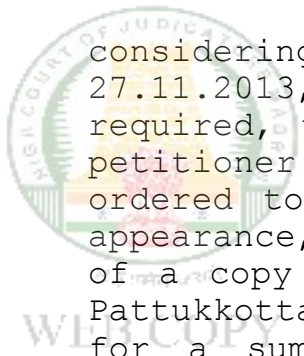
The petitioner, who is arrayed as sole accused, apprehends arrest at the hands of the respondent police for the offences punishable under Section 420 IPC, in Crime No.227 of 2016, on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner without having any authority, collected amounts from general public for conducting Kumbabisekham in Arulmigu Ekambareswara Swamy Thirukovil and misappropriated the amount. On complaint case has been registered for the above said offences.

3.The case of the petitioner is that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. By the proceedings, dated 27.11.2013, the Assistant Commissioner, HR & CE Department appointed 18 persons for conducting Kumbabisekham in Arulmigu Ekambareswara Swamy Thirukovil. All the transactions are known to the committee members and entire fund is administered by the HR & CE officials and there is no misappropriation or cheating. With regard to civil dispute, the defacto complainant has given a false complaint against the petitioner.

4.The learned Government Advocate (Criminal side) appearing for the respondent submitted that investigation is pending.

5.Considering the facts and circumstances of the case and also



considering the proceedings of the HR & CE Department, dated 27.11.2013, custodial interrogation of the petitioner is not required, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Pattukkottai, on condition that the petitioner 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 petitioner shall report before the respondent Police daily at 10.30 a.m. until further orders.
- (ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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]**.

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

sd/-
30/08/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, PATTUKKOTTAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THANJAJORE DISTRICT.
- 3 THE INSPECTOR OF POLICE,
PATTUKKOTTAI TALUK POLICE STATION, PATTUKKOTTAI, THANJAVUR DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECTUOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.S.DEENADHAYALAN Advocate SR.No.48494

ORDER
IN
CRL OP(MD) No.15852 of 2016
Date : 30/08/2016