



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

Thursday, the Eighth day of June Two Thousand Seventeen

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CRL OP (MD) No.2555 of 2017

1 MRS.P.L.VALLIAMMAI
2 A.PALANIAPPAN

... PETITIONERS/ACCUSED NO.1,2

Vs

STATE THROUGH
THE INSPECTOR OF POLICE
ALAGAPPAPURAM POLICE STATION,
SIVAGANGAI DISTRICT
CRIME NO. 8 OF 2017

... RESPONDENT/COMPLAINANT

MRS.UMAYAL RAMANATHAN

... PETITIONER/INTERVENER/
DEFACTO COMPLAINANT

For Petitioner : M/S.R.MAHESWARAN Advocate

For Respondent : MR.A.RAMAR, Additional Public Prosecutor

For Intervenor : MR.ISAC MOHANLAL, Senior counsel for
MR.RAJKAMAL, Advocate

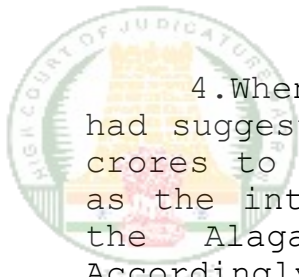
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as A1 & A2 in Crime No.8 of 2017 on the file of the respondent police, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 420, 406, 408, 467, 468, 471, 120B, 506(i) & 511 IPC and hence, seek anticipatory bail.

2.Heard the learned senior counsel for the petitioners, learned senior counsel appearing for the intervener and the learned Additional Public Prosecutor for the respondent/State.

3.The case of the prosecution is that the petitioners/A1 and A2 are alleged to have misappropriated the funds of Dr.Alagappa Chettiyar Educational Trust to the tune of Rs.5 crores by committing an act of fraud and forgery.



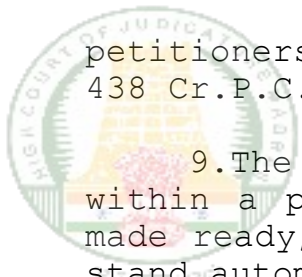
4. When the matter came up for hearing on 06.04.2017, this Court had suggested the petitioners to produce documents worth about Rs.3 crores to be deposited in the afore-said crime number as security, as the intervener alleged that a loss of Rs.6 crores is caused to the Alagappa Group of Educational Institutions, Karaikudi. Accordingly, on 18.04.2017, the petitioners had produced three items of properties. Since the value of the properties has been disputed by the learned senior counsel appearing for the defacto complainant, an Advocate Commissioner as well as an Civil Engineer have been appointed in order to assess the market value of the properties. On 07.06.2017, the learned Advocate Commissioner has submitted his report, wherein it is stated that in consideration of the physical appearance, location and the available amenities of the three items of properties owned by the relatives of the petitioners, the total valuation comes to Rs.1,74,32,600/-. Therefore, for production of additional properties, this Court adjourned the matter today.

5. Today, the learned counsel for the petitioners, by way of an additional typed set of papers, produced four sales deeds belonged to one of their family members viz., P.L.Lakshmi and submitted that she is willing to produce those properties also as security in favour of the petitioners. Thus, the learned counsel for the petitioners submitted that without prejudice to their contentions, the petitioners are ready to deposit those sale deeds belonged to them and also their relatives for the value of Rs.3 crores as security.

6. The learned senior counsel appearing for the intervener/defacto complainant submitted that most of the properties produced belonged to the petitioners relatives and therefore, the owners of the properties may be directed to execute bond and all the original documents may be directed to be deposited before the learned Magistrate concerned for which the petitioners agreed.

7. The learned Additional Public Prosecutor appearing for the respondent / Police submitted that the investigation is pending.

8. Considering the facts and circumstances of the case, 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, Karaikudi and on each 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 deposit the original sale deeds belonged to them and also belonged to their relatives for the value of Rs.3 crores to the credit of Crime No.8 of 2017 and the owners of the properties shall execute bond for their willingness to deposit the same as security and on further condition that the first petitioner/A1 shall appear before the respondent Police as and when required for interrogation and the second petitioner/A2 shall appear before the respondent Police daily at 10.30 a.m. until further orders. The



petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. Scrupulously.

9. 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 shall stand automatically dismissed.

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sd/-
08/06/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, KARAIKUDI.
- 2 THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
ALAGAPPAPURAM POLICE STATION, SIVAGANGAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1cc to M/s.S.M.Saravanan, Advocate SR.No.23759
+2cc to M/s.R.Maheshwaran, Advocate SR.No.23579

Gcg
CSL/CM/SAR-II/14.06.2017 : 3P/8C

ORDER
IN
CRL OP(MD) No.2555 of 2017
Date :08/06/2017