



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

Wednesday, the Ninth day of May Two Thousand Eighteen

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) No.7649 of 2018

1 KRISHNAPRABU

2 ELAKKUVAN @ LAKSHMANAN

... PETITIONERS/ACCUSED No.1 & 2

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE
ILAYANGUDI POLICE STATION,
SIVAGANGAI DISTRICT
CRIME NO.106/2018

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.S.M.A.JINNAH Advocate

For Respondent : MR.K.SUYMABULINGA BHARATHI,
Government Advocate(Crl.side)

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 294 (b), 353, 386 & 506(ii) of I.P.C., in Crime No.106 of 2018, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is working as a Secretary in Q 277 Munaivendry Primary Agriculture Kotruvu Society, Ilayangudi, Sivagangai District. Due to the society election, which is held on 27.04.2018, the petitioners waylaid the defacto complainant and abused him with filthy language and threatened him with dire consequences.

3.On the side of the petitioners, it is stated that the first petitioner is the President of the Agriculture Society, wherein the defacto complainant is working as Secretary, and the defacto complainant misappropriated the funds of the society to the tune of Rs.45,15,246/-. The first petitioner lodged a complaint to the higher officials against the defacto complainant on 30.04.2018 and charge memo was issued by the petitioner and the defacto complainant was suspended on 27.04.2018. In view of the vengeance, this false



case has been filed. It is further stated that the first petitioner is a Doctor, he has no previous adverse remarks and the second petitioner is the father of the first petitioner and both of them were falsely implicated in this case.

4. On the side of the intervenor, it is stated that the defacto complainant as a Secretary of the Agriculture Society, has to conduct election. But all the documents were taken by the first petitioner. Unless all the documents are recovered, the election could not be conducted. The defacto complainant is having no locus standi to file the complaint, as the complainant is the Secretary.

5. On the side of the respondent, it is stated that the first petitioner is the President of the Society and the second petitioner is the father of the first petitioner. Due to election motive, the first petitioner has taken away all the documents and the same has not yet been recovered.

6. By way of reply, on the side of the petitioners, it is stated that the defacto complainant / Secretary was already suspended from service and suspension is not yet revoked and the complaint given during the suspension period is not maintainable.

7. Records perused.

8. The allegation against the first petitioner is that he has taken away records from the society.

9. On the side of the petitioners, it is stated that the President of the society is entitled to possess all the documents and records and the first petitioner has collected the cash book and salary register and keeping those documents in his custody.

10. Records Perused. There are allegations and counter allegations against both the defacto complainant and the petitioner and the perusal of the records reveals that the defacto complainant was suspended and the suspension is not yet revoked at the time of lodging this petition.

11. Considering the facts and circumstances of the case and also considering the submission made by both parties, I am 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, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate, Ilayangudi on condition that each of the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five 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 first petitioner is directed to hand over all the documents to the respondent police, within a period of one week from the date of receipt of a copy of this order.

(ii) the petitioners shall report before the respondent police, daily between 10.00 a.m., and 11.00 a.m., for a period of two weeks;

(iii) the petitioners shall make himself available for interrogation including custodial interrogation as and when required by the investigation officer;

(iv) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(v) the petitioners shall not abscond either during investigation or trial;

(vi) the petitioners shall not commit any offence while on bail;

(vii) 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 and the anticipatory bail granted stands cancelled automatically.

sd/-

09/05/2018

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE,
ILAYANGUDI

2 THE CHIEF JUDICIAL MAGISTRATE
SIVAGANGAI DISTRICT

3 THE INSPECTOR OF POLICE
ILAYANGUDI POLICE STATION,
SIVAGANGAI DISTRICT

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. CC to M/S.S.M.A.JINNAH Advocate SR.No.8271

ORDER

IN

CRL OP(MD) No.7649 of 2018

Date :09/05/2018

SMA/CM/VK/14.05.2018:3P/6C