



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

Friday, the Thirtieth day of November Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21155 of 2018

1.R.SANTHANA MAHALINGAM
2 T.SUNDARA MAHALINGAM
3 R.MUTHURAJ
4 S.KARUPPAIAH
5 R.MUNIYANDI
6 P.RAMESH KUMAR

... PETITIONERS / ACCUSED NOS.1 TO 6

Vs

STATE REP.BY
THE SUB INSPECTOR OF POLICE,
WATRAP POLICE STATION,
VIRUDHUNAGAR DISTRICT.
(CRIME NO.372 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.M.JOTHI BASU Advocate

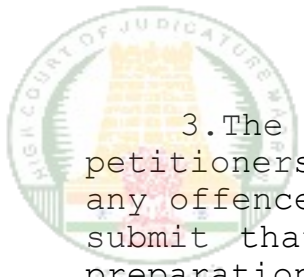
For Respondent : MR.S.CHANDRASEKAR,
Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioners who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 420, 468 and 471 of I.P.C., in Crime No.372 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and defacto complainant are belonging to Sivakasi Hindu Nadar community and the second petitioner is the President of Sivakasi Hindu Nadar Societies Uravinmurai and the defacto complainant is the Secretary of the School committee. The above said society is running 5-Schools in Watrap Village. On 23.11.2018 at 11.30 hrs., on the school gate of Nadar Higher Secondary School, Watrap Village, affixed the letter stating that the defacto complainant resigned from the post and the said letter was affixed by the petitioners-1 to 4 with the help of petitioners-5 & 6.



3.The learned counsel for the petitioner would submit that the petitioners are innocent persons and that they have not committed any offence as alleged by the defacto complainant. He would further submit that the defacto complainant is not an eye witness to the preparation and affixture of the letter in the gate and only on presumption and assumption the defacto complainant lodged a complaint against the petitioners.

4.The learned Additional Public Prosecutor would submit that investigation is on initial stage. He would further submit that there is a dispute in the association with regard to the manner in which the defacto complainant was running the school.

5.Taking into consideration the facts of the case and the submissions by learned counsels, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate-I, Srivilliputtur, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, each for a like sum to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled.

[b] the petitioners shall report before the respondent police as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] 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 down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
30/11/2018

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE NO.1,
SRIVILLIPUTTUR.

2. DO THRO' THE CHEIF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTTUR.

3. THE SUB INSPECTOR OF POLICE,
WATRAP POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1. CC to MR.M.JOTHI BASU Advocate SR.No.22455

ORDER

IN

CRL OP (MD) No.21155 of 2018

Date : 30/11/2018

TK/VR MMS/SAR1/07.12.2018/3P/6C