



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

Monday, the Twenty Fifth day of February Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.2786 of 2019

1.M.KAMARAJ,
2 T.KANNAN,

... PETITIONERS / ACCUSED NOS.2 & 3

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
PULIYANKUDI POLICE STATION,
PULIYANKUDI,
TIRUNELVELI DISTRICT.
(CRIME NO.36/2019)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.G.THIRUVARUTSELVAN Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Govt. Advocate (Crl. Side)

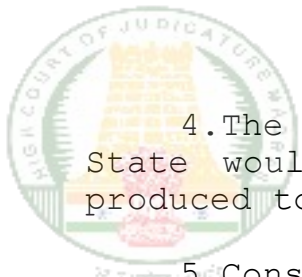
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 420, 406, 341, 294(b) and 506(i) I.P.C, in Cr.No.36 of 2019 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the present Secretary of Hindu Nadar Uravinmurai Mahimai Educational Committee. The petitioners are erstwhile Secretaries of the said Committee. The defacto complainant preferred a complaint, as if the petitioners committed misappropriation of money by way of wrong entries and lapse of entries. Hence a case has been registered as against the petitioners.

3.The learned counsel appearing for the petitioners would submit that it is a collection dispute between the petitioners and the defacto complainant, due to which a false complaint has been lodged by the defacto complainant. However, the petitioners are ready to co-operate with the investigation.



4.The learned Government Advocate (Crl.Side) appearing for the State would submit that except the complaint, no documents were produced to establish the offence as of now.

5.Considering the facts and circumstances of this case and also considering the allegation levelled against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners. 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 learned Judicial Magistrate, Sivagiri, Tirunelveli District, 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 respondent police or the police officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(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;

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

(f)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]**; and;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
25/02/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE,
SIVAGIRI, TIRUNELVELI DISTRICT.

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3. THE INSPECTOR OF POLICE,
PULIYANKUDI POLICE STATION,
PULIYANKUDI, TIRUNELVELI DISTRICT.

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

+1. CC to MR.G.THIRUVARUTSELVAN Advocate SR.No.3879

ORDER

IN

CRL OP (MD) No.2786 of 2019

Date :25/02/2019

AE/JC/SAR-II/28.02.2019/3P/6C