



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

Monday, the Fourth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3254 of 2019

SENTHIYAPPAN @ SENTHIAPPAN, ... PETITIONER / SOLE ACCUSED

Vs

THE STATE REP.BY  
THE INSPECTOR OF POLICE,  
SIVAKASI TOWN POLICE STATION,  
VIRUDHUNAGAR DISTRICT  
(CRIME.NO.118/2019)

... RESPONDENT / COMPLAINANT

A.SUBANSH CHANDRA BOSE

...INTERVENE-PETITIONER/DE FACTO COMPLAINANT

For Petitioner : Mr.P.M.VISHNUVARTHANAN Advocate

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

For Intervener : Mr.M.SOLAISAMY,Advocate

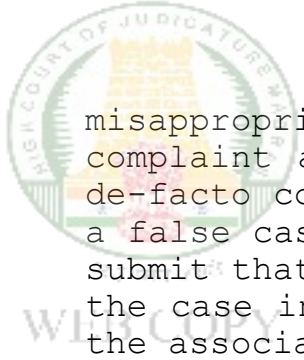
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 408, 467, 468, 471 and 420 of IPC, in Crime No.118 of 2019, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is a President of Virudhunagar Badminton Association and the petitioner was working as the Secretary of the same Association. The defacto complainant after succeeding the association election, he conducted an verification of records. On verification, it is revealed that the petitioner was swindled to the tune of Rs.3,59,000/- for his personal gain. Thereby, the Law Enforcing Agency registered a case against the petitioner.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that after completion of tenure, he found that there are



misappropriation made by the coach and immediately lodged a complaint against the coach and the same is pending. Thereby, the de-facto complainant succeeding the association tournament and filed a false case against the petitioner. However, on instructions would submit that the petitioner is ready to pay a sum of Rs.1,00,000/- in the case in Crime Number there amount may be disbursed in favour of the association.

4.The learned counsel appearing for the intervenor/de-facto complainant vehemently opposed to grant anticipatory bail to the petitioner.

5.The learned Government Advocate (Crl.Side) appearing for the State would submit that the investigation is pending.

6.Considering the facts and circumstances of this case, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is 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 Court, Sivakasi, 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 the police officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)the petitioner 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 petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh Only) to the credit the Crime number before the concerned Judicial Magistrate before execution of sureties.

(c)the petitioner shall report before the respondent police as and when required for interrogation;

(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioner 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 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]**; and;



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

sd/-

04/03/2019

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

TO

- 1 THE JUDICIAL MAGISTRATE COURT,  
SIVAKASI.
- 2 THE CHIEF JUDICIAL MAGISTRATE,  
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTTUR.
- 3 THE INSPECTOR OF POLICE,  
SIVAKASI TOWN POLICE STATION,  
VIRUDHUNAGAR DISTRICT.
- 4 ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.P.M.VISHNUVARTHANAN Advocate SR.No.4283

PS/JC/SAR-2/08.03.2019/3P/6C

ORDER

IN

CRL OP(MD) No.3254 of 2019

Date :04/03/2019