



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

Date : 09/07/2019

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PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD).No.8830 of 2019

AND

CRL MP(MD)No.6184 of 2019

1. M.Govindharaja
2. M.Muthuramalingam
3. K.Shanmugam

... Petitioners/Accused No.5 to 7

Vs

State Represented by,
The Inspector of Police,,
Ramanathapuram DCB Police Station,
Ramanathapuram.
In Crime No.12 of 2019).

... Respondent/Complainant

Guru Jeyaraman

...Intervening Petitioner/
Defacto Complainant
in Crl.MP(MD)No.6184/2019

For Petitioners : M/s.Meenakshi sundaram for M/s.D. Nallathambi,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

For Intervenor : Mr.M.Jaganathan,
for M/s.Veera Associates.

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

PRAYER :-

For Anticipatory Bail in Crime No.12 of 2019 on the file of the
respondent police.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the
respondent police for the offences punishable under Sections 465,
468, 469, 471 and 420 of IPC, in Crime No.12 of 2019, seek
anticipatory bail.

2.The learned counsel appearing for the petitioners has
submitted that as per FIR, the petitioners herein have forged the



signature of the defacto complainant and other members of the VOC Matriculation School, Thelichathanallur, Paramakudi. He further submitted that already the resolution was sent to the District Registrar and the District Registrar after verifying the same, issued Form VII. He further submitted that challenging the issuance of Form VII, Writ Petitions were filed before this Court in W.P.(MD) No.5955 of 2019 and W.P.(MD)No.8172 of 2019, which are pending before this Court. He further submitted that already one M.S.Sundaresan, had filed a suit on behalf of said school against the petitioners herein in O.S.No.51 of 2019 before the Sub Court, Paramakudi and also filed an interlocutory application in I.A.No.25 of 2019 seeking interim injunction against the petitioners herein. The learned Sub Judge has not granted any interim injunction against the petitioners. He further submitted that as per the Tamil Nadu Societies Registration Act, if anyone is having grievance against the issuance of Form VII, he has to file a suit before the competent Court, instead of doing so, the defacto complainant gave a false complaint before the respondent police stating that the petitioners herein have forged their signatures in the resolution. He further submitted that the defacto complainant and other members of the general body have participated in the said meeting and signed in the resolution and subsequently, he gave a false complaint before the respondent police. He further submitted that everything on record and as such a custodial interrogation of the petitioners is not at all necessary and therefore, he prayed to grant anticipatory bail to the petitioners.

3.The learned counsel for the intervenor has submitted that the intervenor has not questioned the issuance of Form VII, but, the grievance of the intervenor is that the petitioners herein have forged his signature in the resolution and the same has been produced before the District Registrar. He further submitted that since the petitioners have forged the signature of the defacto complainant, the police is certainly entitled to investigate the matter. He further submitted that since the original documents are with the petitioners, the custodial interrogation of the petitioners is absolutely necessary and therefore, he strongly opposed this petition.

4.The learned Additional Public Prosecutor for the respondent has adopted the arguments advanced by the learned counsel for the intervenor. He further submitted that for the purpose of seizing the records, custodial interrogation is absolutely necessary and therefore, he opposed this petition.

5.It is an admitted fact that already the petitioners herein have produced the resolution before the District Registrar and based on the said resolution, the District Registrar has issued Form VII and in such a case the question of tampering the evidence does not arise. The respondent police can very well direct the petitioners to produce the original records and sent the same to Forensic Lab for getting hand writing expert's opinion.



6. Considering the aforesaid facts and also the fact that already civil suit is pending also the fact that writ petitions are also pending, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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7. 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 No.II, Ramanathapuram, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) If the petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioners shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter, as and when required before the respondent police for interrogation.

(iii) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioners shall not abscond either during investigation or trial.

(v) 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].

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

sd/-
09/07/2019

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

TO

1. THE JUDICIAL MAGISTRATE NO.II

<https://hcservices.ecourts.gov.in/hcservices/>
RAMANATHAPURAM



2.DO-THROUGH :THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3.THE INSPECTOR OF POLICE,
RAMANATHAPURAM DCB POLICE STATION,
RAMANATHAPURAM.

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

+1. CC to M/S.D.NALLATHAMBI, Advocate SR.No.11303

+1. CC to M/S.VEERA ASSOCIATES, Advocate SR.No.11491

ORDER
IN
CRL OP (MD) No.8830 of 2019
AND
CRL MP (MD) No.6184 of 2019
Date :09/07/2019
(1/2)

DAS

PK/JC/SAR-2/17.07.2019 : 4P/7C