



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.9592 of 2019

1. Jejaraj
2. Senthilkumar
3. Joseph Pensham
4. Sivabalan
5. Nithiyanantham

... Petitioners/
Accused Nos.1 to 5

Vs

1. State rep. by
The Inspector of Police,,
Sholavandan Police Station,
Madurai District.
Crime No. 185 of 2019.

... Respondent/Complainant

2. P.Thangapandian

... 2nd Respondent/
Intervenor Defacto Complainant

For Petitioners : M/s.M.Venkatesan,
Advocate.

For Respondent : Ms.Anantha Devi,
Government Advocate (Crl.Side)

For Intervenor : M/s.S.Ramakrishnan,
Advocate

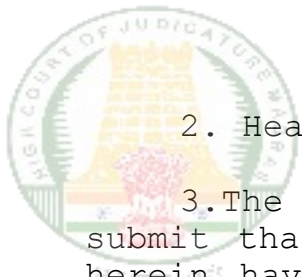
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in crime No. 185 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 147, 465, 466, 468, 471, 341, 294(b) and 506(i) of IPC seek anticipatory bail.



2. Heard both sides.

3. The learned counsel appearing for the petitioners would submit that as per the First Information Report, the petitioners herein have forged the signature of the defacto complainant and other members and passed a resolution on 30.09.2018 but on the said date the petitioners were not all office bearers. He further submitted that only as per the proceedings dated 25.11.2018, the petitioners herein have been elected as office bearers and that being so, on 13.09.2018 the petitioners herein could not have committed any offence as alleged in the First Information Report. He further submitted that already civil suits are pending between the parties. He further submitted that on 22.04.2018, the petitioners herein have passed a resolution removing the defacto complainant from the post of Presidentship and the same has been duly informed to the District Registrar and aggrieved by the same as an afterthought, the defacto complainant has lodged a false complaint. Hence, he prayed to grant anticipatory bail to the petitioners.

4. The learned counsel for the intervenor would submit that the petitioners herein have forged the signatures of the defacto complainant then Secretary and treasurer and passed a resolution on 30.09.2018 without their knowledge. He further submitted that the petitioners herein have indulged in manipulation of the records and also misappropriated all the society funds. Hence he strongly opposed to grant anticipatory bail to the petitioners.

5. The learned Government Advocate (Crl. Side) appearing adopted the arguments submitted by the learned counsel for the intervenor.

6. In the First Information Report, it is stated that the petitioners herein have convened a general body meeting on 30.09.2018 and passed a resolution as if the defacto complainant and other office bearers have signed in the said resolution. But the typed set of papers filed by the petitioners would show that only as per the proceedings dated 25.11.2018 the present petitioners have been elected as office bearers and that being so, it is not known how the petitioners could have passed a resolution on 30.09.2018 itself. Taking into consideration the aforesaid facts and also the fact that already several litigations are pending between the parties, this court is inclined to grant anticipatory bail to the petitioners with certain conditions.

[6] Accordingly, the petitioners are ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Vadipatti, Madurai 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 to the Police Officer, who intends to arrest or to the satisfaction of



the learned Magistrate concerned and on further condition that:

[a] if the petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] 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 for the 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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
12/07/2019

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, VADIPATTI MADURAI DISTRICT
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE, SHOLAVANDAN POLICE STATION,
MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.M.VENKATESAN Advocate SR.No.11675

ORDER
IN
CRL OP(MD) No.9592 of 2019
Date :12/07/2019