

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

CrI.O.P.No.13642 of 2020

and

CrI.M.P.No.5370 of 2020

1.Gunasekaran
2.Vairam
3.Thangavel
4.Jayaraj
5.Ramarathinam
6.Mohanasundaram
7.Manikandan

... Petitioners

Vs.

The State Represented by,
The Inspector of Police,
Thiruchengodu Town Police Station,
Namakkal District.
Crime No.1260 of 2020.

...Respondent

Prayer:Criminal Original Petition filed under Section 438 of Cr.P.C.,
to enlarge the petitioners on bail in the event of their arrest in
Crime No.1260 of 2020 pending investigation on the file of the
respondent police.

For Petitioners :Mr.C.S.Saravanan

For Respondent :Mr.M.MohamedRiyaz,

Additional Public Prosecutor

For Intervenor : Mr.C.S.Saravanan

ORDER

(This case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the
respondent police for the alleged offences punishable under Sections
419, 420 and 211 of IPC, in Crime No.1260 of 2020, on the file of the
respondent police, seek anticipatory bail.

2.The case of the prosecution as per the defacto complainant,
who is the Secretary of the Community Association is that there are
7,000/- members in the Sangam/Association. The petitioners along with
the other accused attempted to misappropriate the association's
amount to the tune of Rs.3 Crores and also illegally collected rents
from the tenants of the Sangam/association's shops. Hence, the
complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution. He further submitted that due to previous enmity between the members of the Sangam/association regarding administration a false case has been foisted against the petitioners. Even as per the complaint of the defacto complainant, only an attempt has been made to misappropriate the amount. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor submitted that the petitioners along with the other accused attempted to misappropriate the association's amount to the tune of Rs.3 Crores and also illegally collected rents from the tenants of the Sangam/association's shops. Hence, he opposed for grant of anticipatory bail to the petitioner.

5.The learned counsel for the intervener vehemently opposed stating that the Sangam/Association was established 100 years before and there are 7,000/- members in the association. The petitioners along with the other accused attempted to misappropriate the association's amount to the tune of Rs.3 Crores and also illegally collected rents from the tenants of the Sangam/association's shops.

6. Taking into consideration the facts and submissions of the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

7. Accordingly, the petitioners are directed to be released on bail in the event of their arrest or on their appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate, Tiruchengode, on condition that the petitioners shall execute a separate 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, failing which, the petition for anticipatory bail shall stand dismissed 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 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 daily at 10.30 a.m., for a period of two weeks and thereafter on every Monday at 10.30 a.m., until further orders.

[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 229A IPC.

8.With the above directions, this Criminal Original Petition is ordered.

-sd/-
10/09/2020

This order, on being produced, be punctually observed and carried into execution by all concerned
TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
TIRUCHENGODE

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
THIRUCHENGODE TOWN POLICE STATION,
NAMAKKAL DISTRICT.

CC to M/S. C.S.SARAVANAN Advocate on payment of necessary charges

CRL OP.13642/2020

Date :10/09/2020

RVR 24/09/2020

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