



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/08/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8845 of 2020

Agastiyan ... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
Kovilpatti East Police Station,
Thoothukudi District.
Crime No.873 of 2020 ... Respondent/Complainant

Lal Bahadur Kennedy ... Intervene Petitioner/
Defacto Complainant

For Petitioner : M/s.M.Prabu, Advocate.
For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)
For Intervener : Mr.T.Lajapathi Roy, Advocate

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

PRAYER :- For Anticipatory Bail in Crime No.873 of 2020 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner who is arrayed as A-1 apprehending arrest at the hands of the respondent police for the offences punishable under sections 415, 464 & 468 of I.P.C., in Crime No.873 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is an Ex-President of the Kovilpatti Tamil Popeast School Association and his period was expired in the year 2015. Thereafter, one Muthulakshmi is a President and the defacto complainant is a Secretary of the Association. The allegation is that after expiry of the period, the petitioner has claimed as a President of the Association and sent various representations to the educational authorities, as if he is a President of the School Association. Hence, the complaint.



3. Heard the learned counsel appearing for the petitioner and the intervener and the learned Government Advocate (criminal side) appearing for the respondent police.

4. The learned counsel appearing for the petitioner submitted that he never claimed as a President. He further submitted that, earlier challenging the appointment of the President, the petitioner has filed a writ petition in W.P.(MD) No.5556 of 2020 and this Court by Order, dated 18.03.2020 passed an interim order directing the defacto complainant not to take any decision without prior permission of this Court. Thereafter, the petitioner only informed the above order and in the above order, he mistakenly stated as a President and he never claimed as a President of the School Association. Due to some enmity, the present complaint has been registered.

5. The learned counsel appearing for the intervener would submit that the petitioner has completed his period as President in the year 2015 itself, but, he has claimed as a President in the year 2018 and also he sent representation to the Educational authorities, claimed as President and hence, the complaint has been filed.

6. The learned Government Advocate (criminal side) appearing for the respondent police, on instructions would submit that the petitioner has filed an undertaking affidavit before the school Association that he will not claimed as President of the School Association and reiterated the same and oppose the bail petition.

7. Considering the fact and circumstances of the case and also considering the submission of the petitioner that he has mistakenly sent representation to the educational authorities as President, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.I, Kovilpatti, and on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police as and when required for interrogation.

(c)the petitioner shall not tamper with evidence or witness
<https://hccourtscorpus.in/hosevices> investigation or trial;



(d)the petitioner 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 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;

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

sd/-
27/08/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE NO.I, KOVILPATTI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,
KOVILPATTI EAST POLICE STATION, THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1CC TO Mr.T.LAJAPATHI ROY, ADVOCATE, SR NO.6163

ORDER
IN
CRL OP(MD) No.8845 of 2020
Date :27/08/2020

MS/AKM/SAR-3/03.09.2020/3P.6C