



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

Date : 22/10/2020

PRESENT

The Hon`ble Mr.Justice ABDUL QUDDHOSE

CRL OP(MD) . No.12046 of 2020

1. Natarajan
2. Pon Raj

... Petitioners/Accused Nos.1 & 2

Vs

State Represented by,
The Inspector of Police,
Thoothukudi Central Police Station,
Thoothukudi Dist.
Crime No. 576/2020

... Respondent/Complainant

For Petitioners: Mr.V.Meenakshisundaram,
Advocate.

For Respondent : M/s.S.E.Veronica Vincent,
Government Advocate (Crl.Side)

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

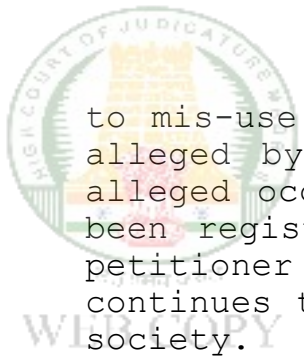
PRAYER :-

For Anticipatory Bali in Crime No. 576 of 2020 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A1 and A2, apprehending arrest at the hands of the respondent police for the offences punishable under sections 120B, 464, 468, 472 and 420 of IPC, in Crime No.576 of 2020 on the file of the respondent police, seek anticipatory bail.

2. According to the petitioners, the first petitioner is the President of Thoothukudi Vadathisai Hindu Nadar Mhamai Karapettai Paribalana Sangam. It is the case of the prosecution that the first petitioner conspired together with second petitioner on 03.11.2019, prepared a nominee list with an intention to select their own men as Office Bearers without convening General Body Meeting for the aforementioned society. It is submitted by the learned counsel for the petitioners that as per the Tamil Nadu Co-operative Societies Act, 1983, the seal of the Society will have to be preserved by the Committee and therefore, there is no possibility for the petitioners



to mis-use the same for the purpose of preparing a nominee list as alleged by the prosecution. Further as seen from the case, the alleged occurrence has happened on 03.11.2019, whereas the FIR has been registered in Crime No.576 of 2020 only on 22.09.2020. The petitioner also claims that he belongs to a respectable family and continues to hold the office of the President of the aforementioned society. As seen from the typed set of documents, the petitioner has already filed a petition for anticipatory bail before the Principal Sessions Judge, Thoothukudi and on 13.10.2020, the learned Judge dismissed the said petition. Hence, he prayed for grant of anticipatory bail to the petitioners.

3.Heard the learned Government Advocate (Crl. Side) appearing for the respondent.

4.After giving due consideration to the facts and circumstances and in view of the fact that the alleged occurrence happened as early as on 03.11.2019 itself, whereas the FIR was registered in Crime No.576 of 2020 against the petitioner only on 22.09.2020. Hence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

5.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate-2, Thoothukudi, 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)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 as and when required for 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]; and;



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

sd/-
22/10/2020

WEB COPY / 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.II,
THOOTHUKUDI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,
THOOTHUKUDI CENTRAL POLICE STATION,
THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.V.MEENAKSHISUNDARAM Advocate SR.No.7158

ORDER
IN
CRL OP(MD) No.12046 of 2020
Date :22/10/2020

VSM/STS
PK/SMA/SAR-II/29.10.2020 : 3P/6C