



WEB COPY

CRL OP(MD)



23

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

Date : 06/01/2023

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD). No.334 of 2023

1. H.A.Martin,

2. Jeevajothi,

... Petitioners/Accused Nos.1 & 2

Vs

State Rep by
The Inspector of Police,
City Crime Branch,
Trichy City.
Crime No. 2 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Aayiram.K.Selvakumar,
Advocate.

For Respondent : Mr.A.Albert James,
Government Advocate (Crl.Side)

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

PRAYER :-

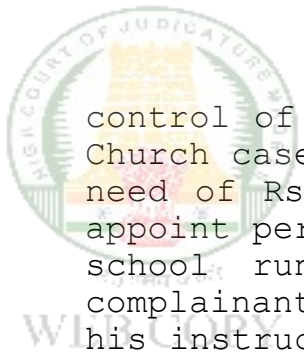
For Anticipatory Bail in Crime No.2 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 417, 420 and 506(1) of I.P.C., in Crime No.2 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant Rameshkumar, is that he is a SYNOD Member of TELC Church and the first accused H.A.Martin was also a Member of the TELC Church and that during 2009, he had contested for the post of Bishop. At that time, A1 had requested him to work for the election and had induced him to work for the election that if he is selected, all the 133 schools under the

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control of TELC will come under him and he had also stated the Church cases are going on before various Courts and that there was a need of Rs.1.50 Crores and that he has also assured that he would appoint persons known to the de-facto complainant as teachers in the school run by TELC and by believing the same, the de-facto complainant had collected Rs.1.50 Crores from 20 persons and as per his instructions, he has handed over to the second and third accused and the accused had also collected further amount of Rs.1.50 Crores from 22.04.2017 to 27.07.2017 and later, he did not give appointment to any persons and when the de-facto complainant had questioned the first accused, he had given a letter of undertaking agreeing to repay the amount, whereas, he had cheated him. When the de-facto complainant had asked for return of money, the accused had threatened and intimidated him. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and a false complaint has been given against them. He would further submit that the first petitioner was a Bishop in TELC during the period between 14.01.2009 and 16.01.2014 and there are several litigations pending between various members in the Church and later, on the directions of this Court, the Hon'ble Justice, Mr.K.Venkatraman was appointed as the Administrator of the TELC Church. He would further submit that as per the bye-laws of the TELC, the Bishop has no authority to appoint teachers and only the Board has authority to appoint teachers and thereby, the allegations are totally false. He would further submit that the fact remains that the de-facto complainant is the close relative of the first petitioner and the first petitioner believing the de-facto complainant had entrusted him the work of attending litigations before various Courts and he has also signed various vakalaths, empty blank papers and signed cheques and given it to the de-facto complainant. The de-facto complainant had misused the same and had threatened and blackmailed the first petitioner and demanded huge sums. Based on the threat given by the de-facto complainant, the first petitioner had given a complaint to the Commissioner of Police, Trichy, on 24.09.2020 against the de-facto complainant and enquiry was conducted and at that time, the de-facto complainant did not make any allegation, as if, the first petitioner had received Rs.3,00,00,000/- from him. Later the de-facto complainant had also sent a legal notice through his counsel on 20.12.2020 and even in that notice, there is no murmur about the allegation of the first petitioner having received Rs.3,00,00,000/- towards appointment of teachers. He would further submit that the de-facto complainant had only stated about some financial dispute in the complaint and he had also referred to a cheque dated 08.12.2020, which was stated to have been issued by the first petitioner for an amount of Rs.25,00,000/- and that it got dishonored. However, no further action has been initiated by the de-facto complainant thereafter. Since the de-facto complainant has continued with the threat, the first petitioner had once again given a complaint against him on 10.12.2021 before the Commissioner of Police, Trichy and a formal enquiry was conducted by



the respondent police. As on date, the period of the first petitioner as Bishop of TELC is over and the first petitioner has also, by letter dated 06.01.2018, handed over the charge to Advocate Mr.I.S.Karthikeya Balan, the person authorised by the Hon'ble Administrator. He would further submit that the entire complaint has been filed based on the fabricated documents used by the de-facto complainant. He would further submit that the second petitioner is the wife of the first petitioner, who has no role to play in the dispute and she has also been falsely implicated and both of them are septuagenarians. He would further submit that the petitioners are ready to abide by any stringent condition and they are ready to furnish adequate sureties for their release on anticipatory bail.

4.The learned counsel for the petitioners would further submit that this is the second application for anticipatory bail and the earlier application was dismissed on the ground that the investigation was at the initial stage and during the hearing of the earlier petition, the above documents were also not placed before the Court and he would seek for anticipatory bail.

5.The learned Government Advocate (Cri.Side) appearing for the respondent would submit that the first petitioner was a Bishop in TELC, during his period, he had induced the de-facto complainant on the assurance of giving appointment to persons known to him in schools run by TELC and based on the assurance, the de-facto complainant had taken money of Rs.1.50 Crores from 20 persons for appointment and he has also received money for conducting cases and he has cheated the de-facto complainant. Hence, he opposed for grant of anticipatory bail.

6.Heard. Perused the materials available on record including the First Information Report.

7.Taking into consideration the facts and the submissions made by the learned counsels, this court is inclined to grant anticipatory bail to the petitioners, with certain conditions:

8.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 on which the order copy made ready, before the learned Judicial Magistrate Court No.I, Tiruchirappalli 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 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 1 to ensure their identity.

[b] the first petitioner shall report before the respondent Police, daily at 10.30 a.m., for a period of one week and thereafter, as and when required for interrogation; and the second petitioner 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].

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
06/01/2023

/ TRUE COPY /

/01/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI
TO

1. The Judicial Magistrate Court No.I, Tiruchirappalli.
2. Do-Through The Chief Judicial Magistrate, Trichy District.
3. The Inspector of Police,
City Crime Branch, Trichy City.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER IN
CRL OP(MD) No.334 of 2023
Date : 06/01/2023

TR/VR/SAR-I(24.01.2023) 4P 5C

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