



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 21/03/2023
PRESENT

WEB COPY

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.5230 of 2023

1. J.Sadhu Sundar Singh,
2. P.Maasilamani Jebaraj,
3. G.Selvin Durai,
4. G.Jesudass,
5. D.Devanesam,
6. K.John Pradeep Rajan,
7. Paulraj Velladurai, ... Petitioners/Accused 3 to 9

Vs

The Inspector of Police,
Inspector of Police,
Kadayam Police Station,
Tenkasi District.
Cr.No.80/2023.

... Respondent/Complainant

For Petitioner : M/s.P.P.Alwin Balan,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :- For Anticipatory Bail in Crime No.80/2023 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A3 to A9, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406 and 420 of I.P.C., in Crime No.80 of 2023 on the file of the respondent police, seek anticipatory bail.



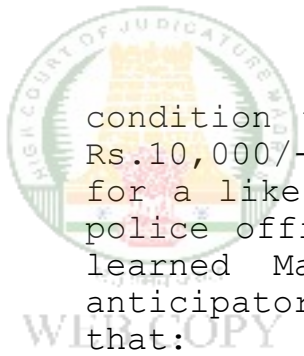
2.The case of the prosecution is that the petitioners along with the other accused persons being the Office Bearers of the CSI Church approached the de-facto complainant and canvassed him to joint the chit being conducted by the Church for more than 40 years, as such, the de-facto complainant and 23 other persons of the Village joined the chit and the de-facto complainant has paid 4 chits for a sum of Rs.1,46,000/- for 73 weeks at the rate of Rs.500/- per week. It is the further case of the prosecution that while 28 dues were pending, the petitioners along with the other accused persons had failed to repay the said amount and hence, the de-facto complainant made a complaint before the respondent police and on enquiry, the petitioners along with the other accused persons promised to repay the amount due at the rate of Rs.5,000/- per month, but they failed to fulfil the promise. Hence, the complaint.

3.Heard both sides and perused the materials available on record.

4.It is seen that the first accused was transferred by order dated 21.06.2021 and had taken charge of the Church as the Parish Priest and Pastorate Chairman of Pulavanoor Pastorate of CSI Tirunelveli Diocese. There are totally 11 accused, in which, A2, A10 and A11 have conducted weekly auction chit individually and have collected money from general public in their own personal capacity. The first accused being the Parish Priest of Church has no role in the chit transactions. In fact, the first accused also filed a petition for 'not to harass' in Crl.O.P(MD)No.3791 of 2023 before this Court and this Court, by order dated 28.02.2023, has disposed of the same with a direction to follow the dictum laid down in the case of Lalitha Kumari Vs. Government of UP and Ors reported in 2014 (2) SCC 1 and pass orders in accordance with law. But the respondent police has not complied with the order and has registered the case. As far as the petitioners are concerned, they are elected members of the Administrative Committee of the Church. The Accused Nos.2, 10 and 11 have conducted chit and cheated the general public. Insofar as the petitioners are concerned, they have nothing to do with the crime as alleged by the prosecution and therefore, custodial interrogation of the petitioners is not required in this case.

5.Considering the above facts and circumstances of the case and also the fact that the first accused has already been granted anticipatory bail by this Court in Crl.O.P.(MD)No.5003 of 2023, dated 16.03.2023, 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 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, Ambasamudram, on



condition that the petitioners shall execute a bond for 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 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, 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/-

21/03/2023

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/03/2023

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

SJI
TO

1 THE JUDICIAL MAGISTRATE,
AMBASAMUDRAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.



3 THE INSPECTOR OF POLICE,
KADAYAM POLICE STATION,
TENKASI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S. P.P.ALWIN BALAN Advocate SR.No.4683

ORDER

IN

CRL OP(MD) No.5230 of 2023

Date :21/03/2023

SA/BUC/SAR.4/31.03.2023/4P/6C